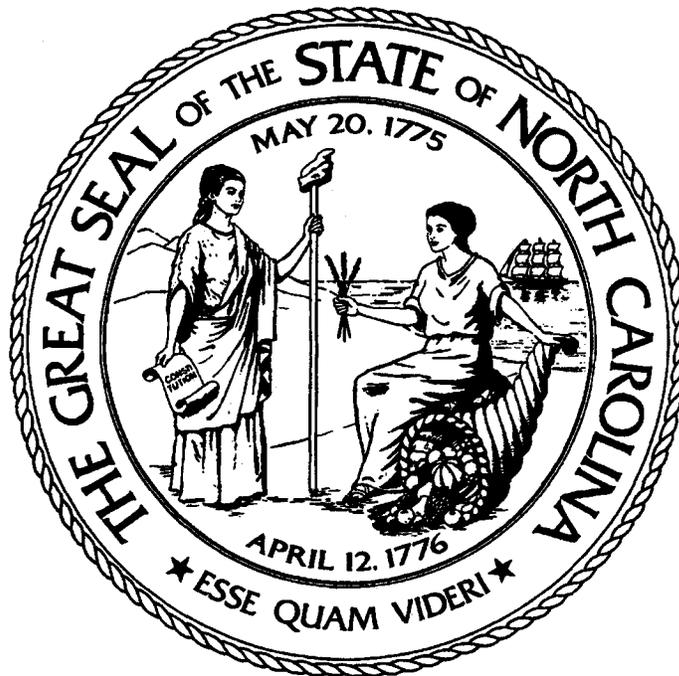


**JOINT LEGISLATIVE  
TRANSPORTATION OVERSIGHT  
COMMITTEE**



**REPORT TO THE  
1995 GENERAL ASSEMBLY  
OF NORTH CAROLINA  
1996 REGULAR SESSION**

**A LIMITED NUMBER OF COPIES OF THIS REPORT IS AVAILABLE  
FOR DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY.**

**ROOMS 2126, 2226  
STATE LEGISLATIVE BUILDING  
RALEIGH, NORTH CAROLINA 27611  
TELEPHONE: (919) 733-7778**

**OR**

**ROOM 500  
LEGISLATIVE OFFICE BUILDING  
RALEIGH, NORTH CAROLINA 27603-5925  
TELEPHONE: (919) 733-9390**

## TABLE OF CONTENTS

LETTER OF TRANSMITTAL.....	i
COMMITTEE MEMBERSHIP.....	ii
PREFACE.....	iii
COMMITTEE PROCEEDINGS.....	1
RECOMMENDATIONS.....	5
1. AN ACT TO EXPEDITE DISPOSAL OF UNCLAIMED VEHICLES BY TOWING AND STORAGE BUSINESSES.....	5
2. AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH SPEED LIMITS UP TO SEVENTY MILES PER HOUR ON CONTROLLED ACCESS HIGHWAYS.....	12
3. AN ACT TO ALLOW UTILITY POLES CARRIED ON SIDE-LOADERS TO EXTEND MORE THAN THREE FEET BEYOND THE FRONT BUMPER OF THE VEHICLE.....	18
4. AN ACT TO PROHIBIT VEHICLE TOWING OF PERSONS ON SLEDS OR SIMILAR DEVICES.....	22
5. AN ACT TO ELIMINATE THE ONE DOLLAR FEE FOR MAIL-IN VEHICLE REGISTRATION.....	24
6. AN ACT TO ALLOW COUNTIES TO ELECTRONICALLY REMOVE A VEHICLE REGISTRATION TAX BLOCK UPON FULL PAYMENT OF PROPERTY TAXES.....	27
7. AN ACT TO DELETE THE UNNECESSARY "L" ENDORSEMENT FOR A COMMERCIAL DRIVERS LICENSE.....	29
8. AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF 60 DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION.....	32
9. AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO USE DIFFERENT COLOR BORDERS TO DISTINGUISH THE AGE OF LICENSE HOLDERS, THEREBY MAKING IT EASIER TO ISSUE DUPLICATE LICENSES BY MAIL WHEN THE PHOTOGRAPH ON THE ORIGINAL LICENSE IS A DIGITIZED IMAGE.....	40
10. AN ACT TO CONFORM THE MOTOR VEHICLE LAWS TO THE FEDERAL DEREGULATION OF TRUCKING AND TO MAKE TECHNICAL CHANGES TO THE MOTOR VEHICLE LAW.....	43
11. AN ACT TO REQUIRE ALL VEHICLE REGISTRATION OFFICES OF THE DIVISION OF MOTOR VEHICLES TO BE OPERATED BY A CONTRACT AGENT.....	76
SUMMARY OF MANDATED REPORTS.....	79

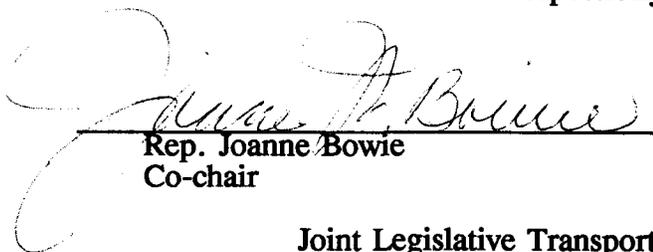


May 1, 1996

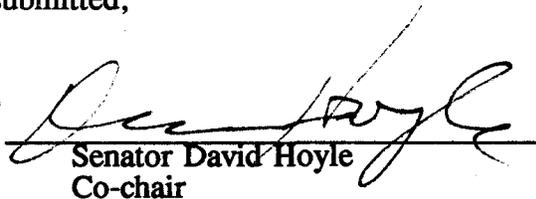
TO THE MEMBERS OF THE 1995 GENERAL ASSEMBLY (REGULAR SESSION 1996):

The Joint Legislative Transportation Oversight Committee submits its annual report to you for your consideration. The report was prepared by the Committee pursuant to G.S. 120-70.51(a).

Respectfully submitted,

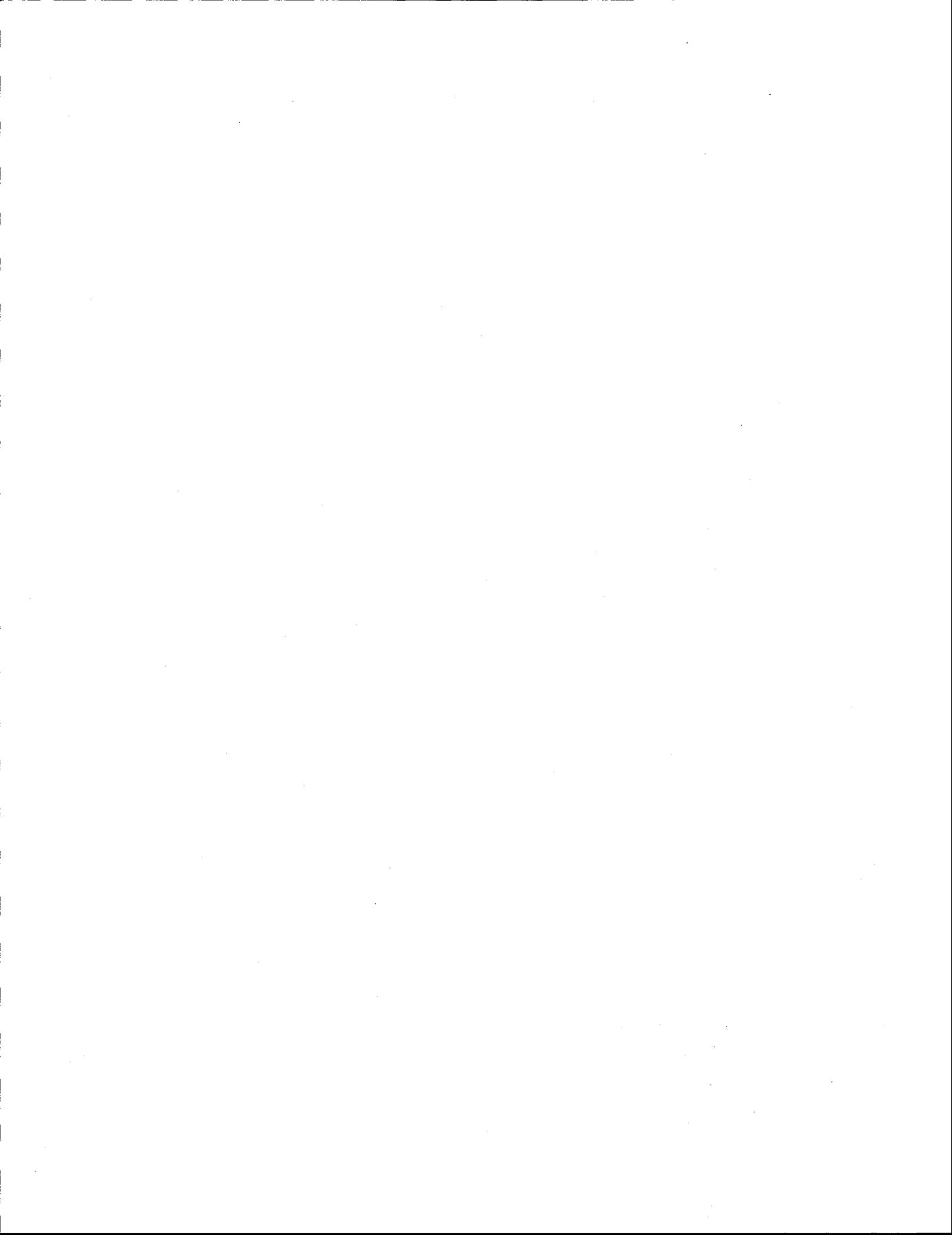


Rep. Joanne Bowie  
Co-chair



Senator David Hoyle  
Co-chair

Joint Legislative Transportation Oversight Committee



**JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE  
MEMBERSHIP  
1995 - 1996**

**President Pro Tempore Appointments**

Sen. David W. Hoyle, Cochair  
PO Box 2494  
Gastonia, NC 28053  
(704)867-0822

Sen. Wib Gulley  
4803 Montvale Drive  
Durham, NC 27705  
(919)419-4447

Sen. Hamilton C. Horton, Jr.  
324 North Spring Street  
Winston-Salem, NC 27101  
(910)773-1324

Sen. John H. Kerr, III  
PO Box 1616  
Goldsboro, NC 27533  
(919)734-1841

Sen. R.L. "Bob" Martin  
PO Box 387  
Bethel, NC 27812  
(919)825-4361

Sen. Anthony E. Rand  
2008 Litho Place  
Fayetteville, NC 28304  
(800)682-7971

Sen. Paul S. Smith  
PO Box 916  
Salisbury, NC 28145  
(704)633-9463

Sen. James D. Speed  
Route 6, Box 542  
Louisburg, NC 27549  
(919)853-2167

**Staff:**

Mr. Gregory Berns  
Ms. Sabra Faires  
Mr. Karl Knapp  
Fiscal Research Division  
(919) 733-4910

Mr. Giles Perry  
Research Division  
(919) 733-2578

**Speaker's Appointments**

Rep. Joanne W. Bowie, Cochair  
106 Nut Bush Drive East  
Greensboro, NC 27410  
(910)294-2587

Rep. Bobby H. Barbee, Sr.  
PO Box 700  
Locust, NC 28097  
(704)888-4423

Rep. Edward C. Bowen  
Route 1, Box 289  
Harrells, NC 28444  
(910)532-4183

Rep. James W. Crawford, Jr.  
509 College St.  
Oxford, NC 27565  
(919)693-6119

Rep. George M. Holmes  
3927 West Old Hwy 421  
Hamptonville, NC 27020  
(910)468-2401

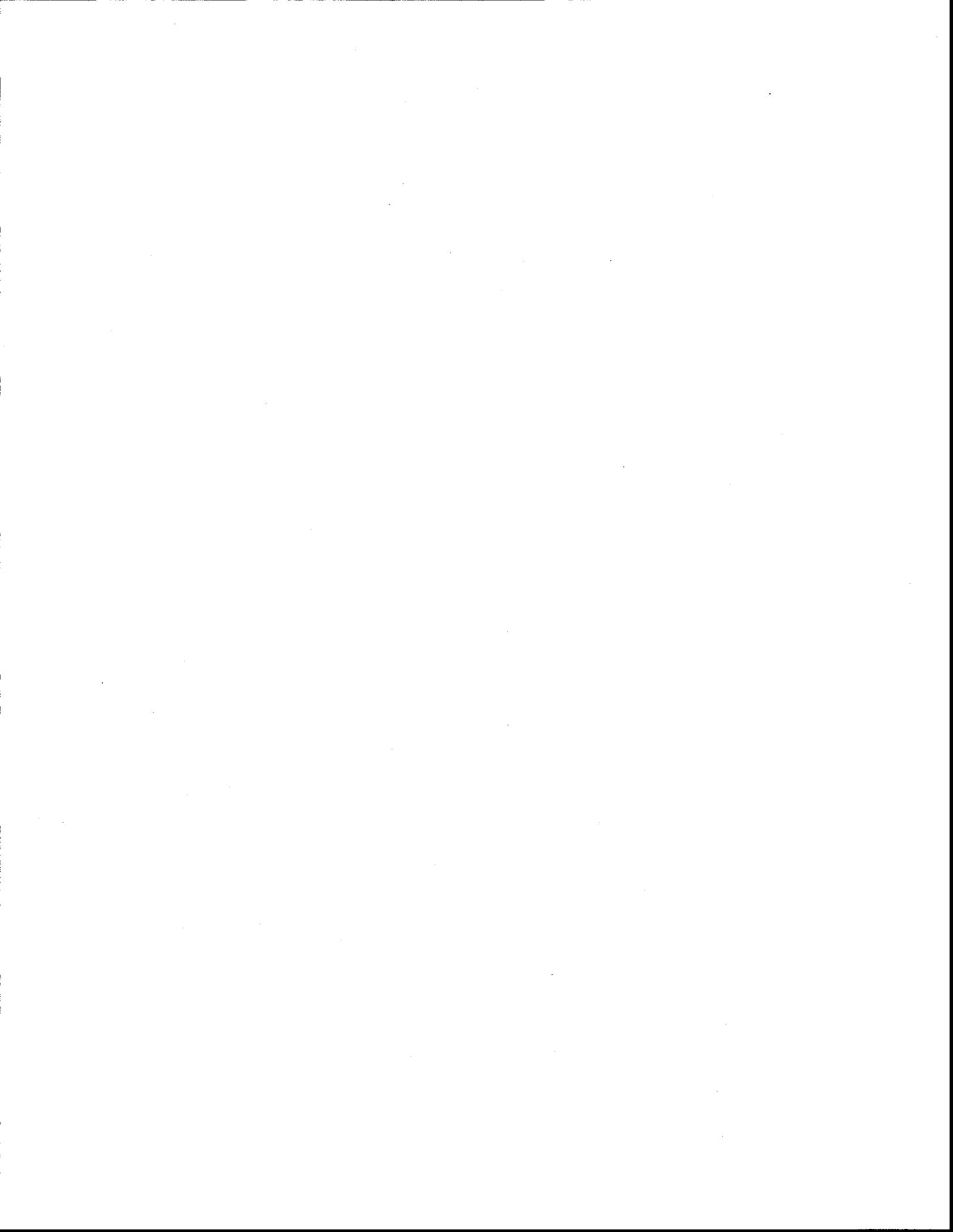
Rep. John B. McLaughlin  
PO Box 158  
Newell, NC 28126  
(704)596-0845

Rep. W. Edwin McMahan  
5815 Westpark Drive  
Charlotte, NC 28217  
(704)561-3402

Rep. David Miner  
PO Box 500  
Holly Springs, NC 27540  
(919)552-2311

**Clerk:**

Ms. Sharon Gaudette  
(919) 733-5853

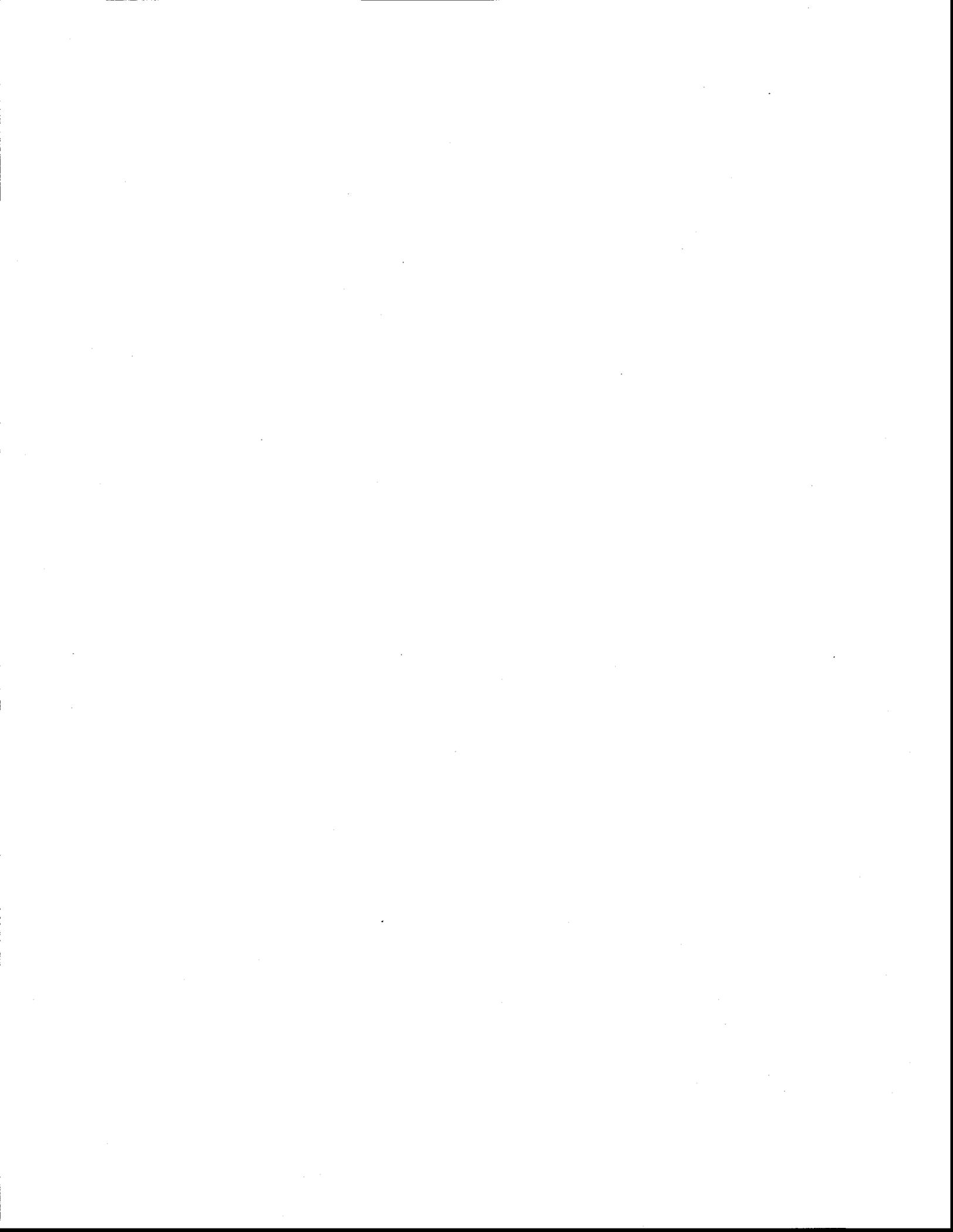


## PREFACE

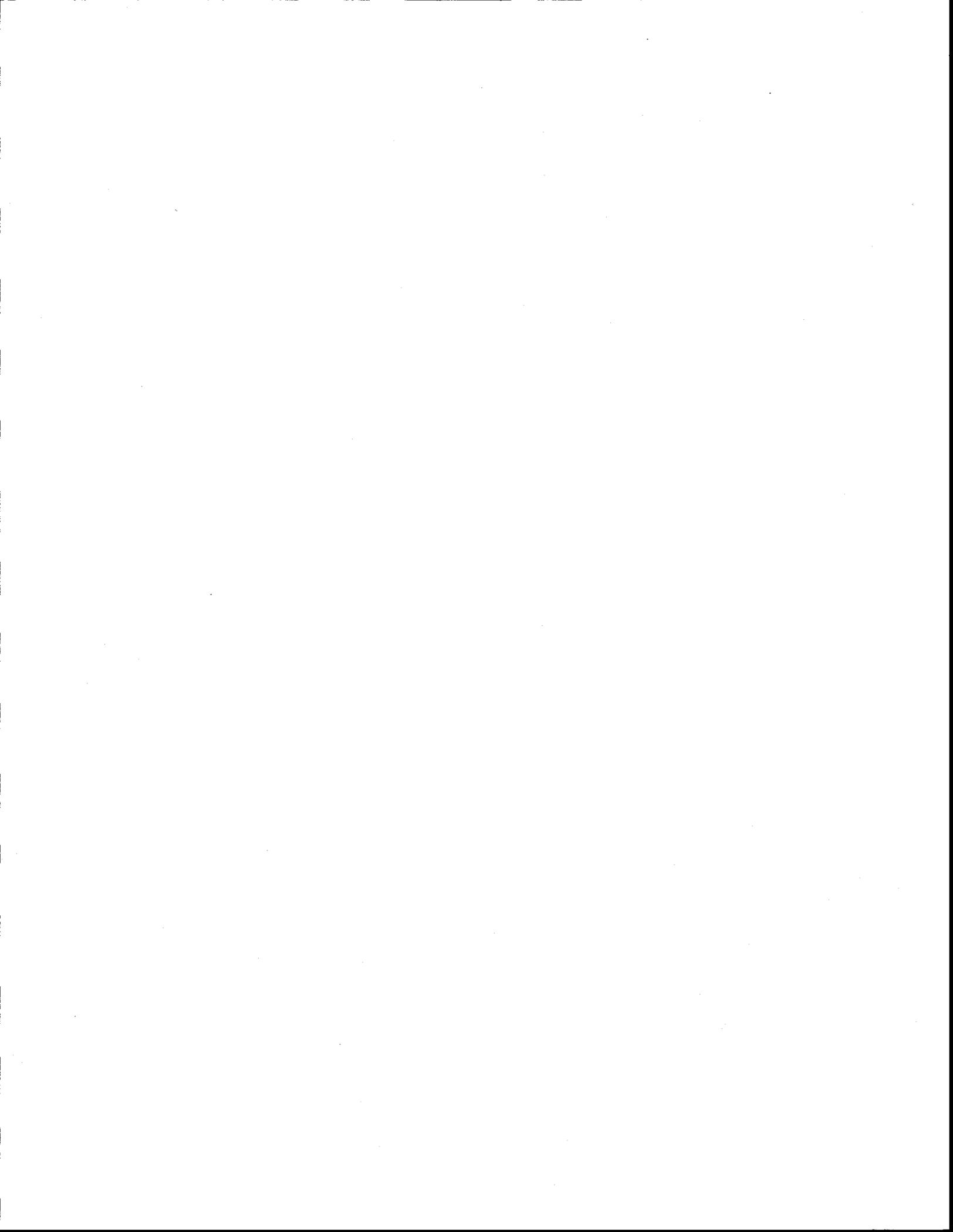
The Joint Legislative Transportation Oversight Committee was established in 1989 by Article 12E of Chapter 120 of the General Statutes. The Committee was formed in conjunction with the creation of the Highway Trust Fund. The Committee consists of eight members of the Senate appointed by the President Pro Tempore of the Senate and eight members of the House of Representatives appointed by the Speaker of the House of Representatives. Members serve two-year terms.

The Committee's oversight powers are broad, as quoted from G.S. 120-70.51(a):

- Review reports prepared by the Department of Transportation or any other agency of State government related, in any manner, to transportation, when those reports are required by law.
- Monitor the funds deposited in and expenditures from the North Carolina Highway Trust Fund, the Highway Fund, the General Fund, or any other fund, when those expenditures are related, in any manner, to transportation.
- Determine whether funds related, in any manner, to transportation are being spent in accordance with law.
- Determine whether any revisions are needed in the funding for a program for which funds in the Trust Fund, the Highway Fund, the General Fund, or any other fund when those expenditures are related, in any manner, to transportation may be used, including revisions needed to meet any statutory timetable or program.
- Report to the General Assembly at the beginning of each regular session concerning its determination of needed changes in the funding or operation of programs related, in any manner, to transportation.



**COMMITTEE  
PROCEEDINGS**



Following the 1995 Session of the General Assembly, the Joint Legislative Transportation Oversight Committee met seven times from October 1995 to May 1996. The Committee examined a variety of topics which are briefly summarized below.

#### **October 10, 1995**

The first meeting of the Committee following the 1995 Session was held on October 10, 1995 at 10:00 a.m. in room 544 of the Legislative Office Building. The Committee first heard a presentation by DOT Secretary Garland Garrett, who introduced DOT Division Directors and offered his assistance to the Committee. The Committee then heard a review of action taken during the 1995 session on the committee's recommendations and a summary of other transportation issues considered during the 1995 session. The Committee then moved to the topic of hazardous waste contamination at seventy-two asphalt plant sites around the state. Following this discussion, Grayson Kelley of the Attorney General's Office outlined the impact of recent Supreme Court decisions on DOT's minority goals program.

#### **November 1, 1995**

The Committee's second fall meeting was held November 1, 1995 at Forsyth Technical College in Winston-Salem. The Committee heard from the Mayors of Winston-Salem and Greensboro, a member of the Forsyth Board of Commissioners, and concerned citizens on the area's transportation needs. Committee staff then presented a comparison of the North Carolina and Virginia DMV and heard from a Virginia DMV official. Following this presentation, the Committee received comments from the towing industry in support of House Bill 853, Motor vehicle towing modifications. Committee staff then reported on fuel tax exemptions for community colleges. DOT presented reports on General Services consolidation, and the maintenance backlog. Finally, Committee staff updated progress on the Highway Fund/Highway Trust Fund financial model.

**December 6, 1995**

The third meeting of the Committee was held December 6, 1995 in room 544 of the Legislative Office Building. The Committee first heard a staff presentation on funding of state-assisted visitor centers. Representatives of visitor centers in western and northeastern North Carolina spoke about the services offered by their respective facilities. DOT presented reports on renovations to the Raleigh District Drive facility, and on consolidation of DOT General Services. Next, the Committee heard from a citizen of Valle Crucis about the design of a new bridge in that area and his concerns about public input in the DOT decision making process. Staff reviewed federal and state public participation requirements, and DOT explained their public participation process. The Committee then continued its discussion of the asphalt plant clean-up issue. Finally, the Committee received a staff report on motor vehicle towing and storage and requested a bill draft for consideration at the next meeting.

**January 31, 1996**

The Committee met on January 31, 1996 at 10:00 a.m. in room 544 of the Legislative Office Building. The Committee first discussed Committee staff changes, and then received a staff report on the National Highway System Bill. Next, the Committee discussed and approved a bill to allow DOT to set speed limits up to 70 mph on non-interstate limited access highways. The committee then heard a background report on the EPA audit of the DMV emissions program. The Committee then considered and approved a draft bill to expedite disposal of towed and stored vehicles and a draft bill to allow utility companies to carry poles that extend more than three feet beyond the front of their vehicles. Committee staff then presented a report on DMV implementation of the window tinting law changes. The members joined the State Ports Study Committee in a joint afternoon meeting, which focused on the transportation needs of the State Ports.

**March 6, 1996**

The Committee met on March 6, 1996 at the Cone University Center of the University of North Carolina at Charlotte. In the morning, the Committee heard from interested parties on proposed legislation to issue bonds to expedite the construction of urban loops in North Carolina. In the afternoon, the Committee heard a report from DOT on consolidation of DOT General Services, a report from committee staff on the motor fleet study, and a report from DOT on the impact of federal budget cuts on public transit funding in NC. The Committee also received a report on I-73/74, and suggestions from DOT for various changes to the statutes requested for the 1996 session. The Committee asked that these suggestions be drafted for consideration at the next meeting. Finally, the Committee received an update from DOT on road maintenance costs attributable to the harsh winter.

**April 10, 1996**

The Committee met on April 10, 1996 at 9:00 a.m. in room 544 of the Legislative Office Building. The committee considered and approved bill drafts on (1) prohibiting sleds from being pulled behind vehicles; (2) deleting from the statutes the unnecessary "L" endorsement for commercial drivers licenses; (3) establishing a standard time period of 60 days in which to obtain or change a drivers license, ID card, or registration; (4) allowing DMV to use different color borders on drivers licenses to allow duplicate licenses to be issued by mail; (5) allowing counties to electronically remove registration blocks upon payment of property taxes; and (6) eliminating the \$1 mail-in vehicle registration fee. The text of these proposals may be found in the legislative proposal section of this report. The Committee also approved an extension of the Highway fund/Highway trust fund financial model contract, decided to take no further action on proposed changes to Motor fleet management of DOT vehicles, and heard an update on DOT's accounting system project. Next, the committee received the annual report of the triangle transit authority, and a report from Duke graduate students on the best source of funding for the mid-Currituck County bridge. The committee also received a DMV report on motor vehicle registration cost comparisons,

the impact of the Federal Privacy Act on DMV, and "STARS", the new vehicle titling and registration computer system. The committee received a bill to conform NC law to the federal deregulation of trucking and a DMV report on mail-in vehicle registration.

**May 1, 1996**

The Committee met on May 1, 1996 at 9:00 a.m. in Room 1228 of the Legislative Building. The Committee considered and approved legislation concerning privatization of DMV Offices in Raleigh and Charlotte, and conforming North Carolina law to the recent federal law changes governing intrastate motor carriers. In addition, the Committee heard reports on implementation of the dealer plate law, the visitor center funding subcommittee, and the Highway Fund/Highway Trust Fund financial model. The Committee also reviewed and approved this report for transmittal to the 1996 Regular Session of the 1995 General Assembly.

**RECOMMENDATIONS  
&  
LEGISLATIVE PROPOSALS**



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

D

LEGISLATIVE PROPOSAL 1

96-RWZ-004A

THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION

Short Title: Expedite Towed Vehicle Disposal.

(Public)

---

Sponsors:

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO EXPEDITE DISPOSAL OF UNCLAIMED VEHICLES BY TOWING AND  
3 STORAGE BUSINESSES.  
4 The General Assembly of North Carolina enacts:  
5           Section 1. G.S. 20-77(d) reads as rewritten:  
6       "(d) An operator of a place of business for garaging,  
7 repairing, parking or storing vehicles for the public in which a  
8 vehicle remains unclaimed for ~~30 days~~, 10 days, or the landowners  
9 upon whose property a motor vehicle has been abandoned for more  
10 than ~~60 days~~, 30 days, shall, within five days after the  
11 expiration of that period, report the vehicle as unclaimed to the  
12 Division. Failure to make such report shall constitute a Class 3  
13 misdemeanor.  
14 Any vehicle which remains unclaimed after report is made to the  
15 Division may be sold by such operator or landowner in accordance  
16 with the provisions relating to the enforcement of liens and the  
17 application of proceeds of sale of Article 1 of Chapter 44A."  
18           Sec. 2. G.S. 44A-4(a) reads as rewritten:  
19       "(a) Enforcement by Sale. -- If the charges for which the lien  
20 is claimed under this Article remain unpaid or unsatisfied for 30  
21 ~~days~~ days or, in the case of towing and storage charges on a

1 motor vehicle, 10 days following the maturity of the obligation  
2 to pay any such charges, the lienor may enforce the lien by  
3 public or private sale as provided in this section. The lienor  
4 may bring an action on the debt in any court of competent  
5 jurisdiction at any time following maturity of the obligation.  
6 Failure of the lienor to bring such action within a 180-day  
7 period following the commencement of storage shall constitute a  
8 waiver of any right to collect storage charges which accrue after  
9 such period. Provided that when property is placed in storage  
10 pursuant to an express contract of storage, the lien shall  
11 continue and the lienor may bring an action to collect storage  
12 charges and enforce his lien at any time within 120 days  
13 following default on the obligation to pay storage charges.

14 The owner or person with whom the lienor dealt may at any time  
15 following the maturity of the obligation bring an action in any  
16 court of competent jurisdiction as by law provided. If in any  
17 such action the owner or other party requests immediate  
18 possession of the property and pays the amount of the lien  
19 asserted into the clerk of the court in which such action is  
20 pending, the clerk shall issue an order to the lienor to  
21 relinquish possession of the property to the owner or other  
22 party. The request for immediate possession may be made in the  
23 complaint, which shall also set forth the amount of the asserted  
24 lien and the portion thereof which is not in dispute, if any. If  
25 within three days after service of the summons and complaint, as  
26 the number of days is computed in G.S. 1A-1, Rule 6, the lienor  
27 does not file a contrary statement of the amount of the lien at  
28 the time of the filing of the complaint, the amount set forth in  
29 the complaint shall be deemed to be the amount of the asserted  
30 lien. The clerk may at any time disburse to the lienor that  
31 portion of the cash bond, which the plaintiff says in his  
32 complaint is not in dispute, upon application of the lienor. The  
33 magistrate or judge shall direct appropriate disbursement of the  
34 disputed or undisbursed portion of the bond in the judgment of  
35 the court. In the event an action by the owner pursuant to this  
36 section is heard in district or superior court, the substantially  
37 prevailing party in such court may be awarded a reasonable  
38 attorney's fee in the discretion of the judge."

39 Sec. 3. G.S. 44A-4(b)(1) reads as rewritten:

1           "(1) If the property upon which the lien is claimed is a  
2           motor vehicle that is required to be registered,  
3           the lienor following the expiration of the 30-day  
4           period provided by subsection (a) shall give notice  
5           to the Division of Motor Vehicles that a lien is  
6           asserted and sale is proposed and shall remit to  
7           the Division a fee of ten dollars (\$10.00). The  
8           Division of Motor Vehicles shall issue notice by  
9           registered or certified mail, return receipt  
10          requested, within 15 days of receipt of notice from  
11          the lienor, to the person having legal title to the  
12          property, if reasonably ascertainable, to the  
13          person with whom the lienor dealt if different, and  
14          to each secured party and other person claiming an  
15          interest in the property who is actually known to  
16          the Division or who can be reasonably ascertained.  
17          The notice shall state that a lien has been  
18          asserted against specific property and shall  
19          identify the lienor, the date that the lien arose,  
20          the general nature of the services performed and  
21          materials used or sold for which the lien is  
22          asserted, the amount of the lien, and that the  
23          lienor intends to sell the property in satisfaction  
24          of the lien. The notice shall inform the recipient  
25          that the recipient has the right to a judicial  
26          hearing at which time a determination will be made  
27          as to the validity of the lien prior to a sale  
28          taking place. The notice shall further state that  
29          the recipient has a period of 10 days from the date  
30          of receipt in which to notify the Division by  
31          registered or certified mail, return receipt  
32          requested, that a hearing is desired and that if  
33          the recipient wishes to contest the sale of his  
34          property pursuant to such lien, the recipient  
35          should notify the Division that a hearing is  
36          desired and the Division shall notify lienor. The  
37          notice shall state the required information in  
38          simplified terms and shall contain a form whereby  
39          the recipient may notify the Division that a  
40          hearing is desired by the return of such form to

1 the Division. Failure of the recipient to notify  
2 the Division within 10 days of the receipt of such  
3 notice that a hearing is desired shall be deemed a  
4 waiver of the right to a hearing prior to the sale  
5 of the property against which the lien is asserted,  
6 the Division shall notify the lienor, and the  
7 lienor may proceed to enforce the lien by public or  
8 private sale as provided in this section and the  
9 Division shall transfer title to the property  
10 pursuant to such sale. If the Division is notified  
11 within the 10-day period provided above that a  
12 hearing is desired prior to sale, the lien may be  
13 enforced by sale as provided in this section and  
14 the Division will transfer title only pursuant to  
15 the order of a court of competent jurisdiction.

16 If the Division notifies the lienor that the  
17 registered or certified mail notice has been  
18 returned as undeliverable, the lienor may institute  
19 a special proceeding in the county where the  
20 vehicle is being held, for authorization to sell  
21 that vehicle.

22 If the market value of the vehicle, as  
23 determined by the schedule of values adoptd by the  
24 Commissioner under G.S. 105-187.3, is less than  
25 eight hundred dollars (\$800.00) and one of the  
26 following applies, the lienor may institute a  
27 special proceeding in the county where the vehicle  
28 is being held for authorization to sell the  
29 vehicle:

30 a. The registered or certified mail notice has  
31 been delivered and no hearing was requested.

32 b. The person having legal title to the  
33 vehicle, the person with whom the lienor dealt  
34 if different, and each secured party or other  
35 person claiming an interest in the vehicle  
36 cannot be ascertained by the Division.

37 In such a proceeding a lienor may include more  
38 than one vehicle, but the proceeds of the sale of  
39 each shall be subject only to valid claims against  
40 that vehicle, and any excess proceeds of the sale

1 shall escheat to the State and be paid immediately  
2 to the treasurer for disposition pursuant to  
3 Chapter 116B of the General Statutes. A vehicle  
4 owner or possessor claiming an interest in such  
5 proceeds shall have a right of action under G.S.  
6 116B-38.

7 The application to the clerk in such a special  
8 proceeding shall contain the notice of sale  
9 information set out in subsection (f) hereof. If  
10 the application is in proper form the clerk shall  
11 enter an order authorizing the sale on a date not  
12 less than 14 days therefrom, and the lienor shall  
13 cause the application and order to be sent  
14 immediately by first-class mail pursuant to G.S.  
15 1A-1, Rule 5, to each person to whom the Division  
16 has mailed notice pursuant to this subsection.  
17 Following the authorized sale the lienor shall file  
18 with the clerk a report in the form of an  
19 affidavit, stating that two or more bona fide bids  
20 on the vehicle were received, the names, addresses  
21 and bids of the bidders, and a statement of the  
22 disposition of the sale proceeds. The clerk then  
23 shall enter an order directing the Division to  
24 transfer title accordingly.

25 If prior to the sale the owner or legal  
26 possessor contests the sale or lien in a writing  
27 filed with the clerk, the proceeding shall be  
28 handled in accordance with G.S. 1-399."

29 Sec. 4. G.S. 44A-4(e) reads as rewritten:

30 "(e) Public Sale. --

31 (1) Not less than 20 days prior to sale by public sale  
32 the lienor:

33 a. Shall notify the Commissioner of Motor  
34 Vehicles as provided in G.S. 20-114(c) if the  
35 property upon which the lien is claimed is a  
36 motor vehicle; and

37 al. Shall cause notice to be mailed to the person  
38 having legal title to the property if  
39 reasonably ascertainable, to the person with  
40 whom the lienor dealt if different, and to

- 1           each secured party or other person claiming an  
2           interest in the property who is actually known  
3           to the lienor or can be reasonably  
4           ascertained, provided that notices provided  
5           pursuant to subsection (b) hereof shall be  
6           sufficient for these purposes if such notices  
7           contain the information required by subsection  
8           (f) hereof; and  
9           b.    Shall advertise the sale by posting a copy of  
10           the notice of sale at the courthouse door in  
11           the county where the sale is to be held;  
12           and shall publish notice of sale once a week for  
13           two consecutive weeks in a newspaper of general  
14           circulation in the same county, the date of the  
15           last publication being not less than five days  
16           prior to the ~~sale~~ sale if the vehicle is less than  
17           five years old.  
18           (2)  A public sale must be held on a day other than  
19           Sunday and between the hours of 10:00 A.M. and 4:00  
20           P.M.:  
21           a.    In any county where any part of the contract  
22           giving rise to the lien was performed, or  
23           b.    In the county where the obligation secured by  
24           the lien was contracted for.  
25           (3)  A lienor may purchase at public sale."  
26           Sec. 5.  This act becomes effective October 1, 1996.

## Explanation of Legislative Proposal 1

Currently, towing and storage businesses report that it takes six months or longer to dispose of vehicles towed to their lots that are stored but never claimed. To expedite this process, the draft bill would:

**1. Require report to DMV in 10 days.**

Sections 1 and 2 of the draft bill would require towing/storage businesses to report unclaimed vehicles, and allow them to begin the process to sell the vehicle to satisfy the towing/storage lien, after 10 days. Currently, the towing/storage business waits 30 days, as provided by law, before reporting the vehicle to DMV and beginning the disposal process. In addition, landowners would have to report vehicles abandoned on their property after 30 days (now-60).

**2. Require DMV to respond to towing business's notice in 15 days.**

Section 3 of the draft bill would require DMV to respond to towing/storage business notices within 15 days of receipt. Under current law, after the towing business sends in notice to DMV, DMV then sends certified letters to the registered owner and any lienholders on the vehicle, notifying them of the lien, and the right to a hearing. DMV is currently 60-90 days behind on responding to towing/storage business notices.

**3. Expedite disposal process for certain vehicles valued at less than \$800**

Section 3 of the bill would authorize the faster Special Proceeding process to be used for vehicles valued at less than \$800, if:

- a. Notice by DMV to the registered owner and any lienholders is delivered, and no one requests a hearing; OR
- b. The registered owner and other lienholders cannot be ascertained by DMV.

**4. Eliminate publication notice for older cars before private sale.**

Section 4 of the bill would eliminate the requirement that notice be published before public sale of the vehicle unless the vehicle is less than 5 years old. Notice would still have to be mailed before public sale of older vehicles.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1996

D

LEGISLATIVE PROPOSAL 2

96-RWZ-001B

THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION

Short Title: Speed Limits.

(Public)

---

Sponsors:

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH  
3 SPEED LIMITS UP TO SEVENTY MILES PER HOUR ON DESIGNATED PARTS  
4 OF CONTROLLED ACCESS HIGHWAYS.  
5 The General Assembly of North Carolina enacts:  
6           Section 1. G.S. 20-141 reads as rewritten:  
7 "§ 20-141. Speed restrictions.  
8   (a) No person shall drive a vehicle on a highway or in a  
9 public vehicular area at a speed greater than is reasonable and  
10 prudent under the conditions then existing.  
11   (b) Except as otherwise provided in this Chapter, it shall be  
12 unlawful to operate a vehicle in excess of the following speeds:  
13       (1) Thirty-five miles per hour inside municipal  
14       corporate limits for all vehicles.  
15       (2) Fifty-five miles per hour outside municipal  
16       corporate limits for all vehicles ~~vehicles, except~~  
17       ~~on rural Interstate Highways where the speed limit~~  
18       ~~has been raised pursuant to G.S. 20-141(d)(2), and~~  
19       except for school buses and school activity buses.

1 (c) Except while towing another vehicle, or when an advisory  
2 safe-speed sign indicates a slower speed, or as otherwise  
3 provided by law, it shall be unlawful to operate a passenger  
4 vehicle upon the interstate and primary highway system at less  
5 than the following speeds:

6 (1) Forty miles per hour in a speed zone of 55 miles  
7 per hour.

8 (2) Forty-five miles per hour in a speed zone of 60  
9 miles per hour or greater.

10 These minimum speeds shall be effective only when appropriate  
11 signs are posted indicating the minimum speed.

12 (d) (1) Whenever the Department of Transportation  
13 determines on the basis of an engineering and  
14 traffic investigation that any speed allowed by  
15 subsection (b) is greater than is reasonable and  
16 safe under the conditions found to exist upon any  
17 part of a highway outside the corporate limits of a  
18 municipality or upon any part of a highway  
19 designated as part of the Interstate Highway System  
20 or ~~other~~ any part of a controlled-access highway  
21 (either inside or outside the corporate limits of a  
22 municipality), the Department of Transportation  
23 shall determine and declare a reasonable and safe  
24 speed limit.

25 (2) Whenever the Department of Transportation  
26 determines on the basis of an engineering and  
27 traffic investigation that a higher maximum speed  
28 than those set forth in subsection (b) is  
29 reasonable and safe under the conditions found to  
30 exist upon any part of a highway designated as part  
31 of the Interstate Highway System or ~~other~~ any part  
32 of a controlled-access highway (either inside or  
33 outside the corporate limits of a municipality) the  
34 Department of Transportation shall determine and  
35 declare a reasonable and safe speed limit. A speed  
36 limit set pursuant to this subsection may not  
37 exceed 70 miles per hour. ~~The Department of~~  
38 ~~Transportation shall set the speed limit not to~~  
39 ~~exceed that allowed by applicable Federal law on~~

1           ~~any part of the Interstate Highway System that they~~  
2           ~~deem to be safe.~~

3       Speed limits set pursuant to this subsection are not effective  
4 until appropriate signs giving notice thereof are erected upon  
5 the parts of the highway affected.

6       (e) Local authorities, in their respective jurisdictions, may  
7 authorize by ordinance higher speeds or lower speeds than those  
8 set out in subsection (b) upon all streets which are not part of  
9 the State highway system; but no speed so fixed shall authorize a  
10 speed in excess of 55 miles per hour. Speed limits set pursuant  
11 to this subsection shall be effective when appropriate signs  
12 giving notice thereof are erected upon the part of the streets  
13 affected.

14       (f) Whenever local authorities within their respective  
15 jurisdictions determine upon the basis of an engineering and  
16 traffic investigation that a higher maximum speed than those set  
17 forth in subsection (b) is reasonable and safe, or that any speed  
18 hereinbefore set forth is greater than is reasonable and safe,  
19 under the conditions found to exist upon any part of a street  
20 within the corporate limits of a municipality and which street is  
21 a part of the State highway system (except those highways  
22 designated as part of the interstate highway system or other  
23 controlled-access highway) said local authorities shall determine  
24 and declare a safe and reasonable speed limit. A speed limit set  
25 pursuant to this subsection may not exceed 55 miles per hour.  
26 Limits set pursuant to this subsection shall become effective  
27 when the Department of Transportation has passed a concurring  
28 ordinance and signs are erected giving notice of the authorized  
29 speed limit.

30       The Department of Transportation is authorized to raise or  
31 lower the statutory speed limit on all highways on the State  
32 highway system within municipalities which do not have a  
33 governing body to enact municipal ordinances as provided by law.  
34 The Department of Transportation shall determine a reasonable and  
35 safe speed limit in the same manner as is provided in G.S. 20-  
36 141(d)(1) and G.S. 20-141(d)(2) for changing the speed limits  
37 outside of municipalities, without action of the municipality.

38       (g) Whenever the Department of Transportation or local  
39 authorities within their respective jurisdictions determine on  
40 the basis of an engineering and traffic investigation that slow

1 speeds on any part of a highway considerably impede the normal  
2 and reasonable movement of traffic, the Department of  
3 Transportation or such local authority may determine and declare  
4 a minimum speed below which no person shall operate a motor  
5 vehicle except when necessary for safe operation in compliance  
6 with law. Such minimum speed limit shall be effective when  
7 appropriate signs giving notice thereof are erected on said part  
8 of the highway. Provided, such minimum speed limit shall be  
9 effective as to those highways and streets within the corporate  
10 limits of a municipality which are on the State highway system  
11 only when ordinances adopting the minimum speed limit are passed  
12 and concurred in by both the Department of Transportation and the  
13 local authorities. The provisions of this subsection shall not  
14 apply to farm tractors and other motor vehicles operating at  
15 reasonable speeds for the type and nature of such vehicles.

16 (h) No person shall operate a motor vehicle on the highway at  
17 such a slow speed as to impede the normal and reasonable movement  
18 of traffic except when reduced speed is necessary for safe  
19 operation or in compliance with law; provided, this provision  
20 shall not apply to farm tractors and other motor vehicles  
21 operating at reasonable speeds for the type and nature of such  
22 vehicles.

23 ~~(i) The Department of Transportation shall have authority to~~  
24 ~~designate and appropriately mark certain highways of the State as~~  
25 ~~truck routes.~~

26 (j) Any person convicted of violating this section by  
27 operating a vehicle on a street or highway in excess of 55 miles  
28 per hour and at least 15 miles per hour over the legal limit  
29 while fleeing or attempting to elude arrest or apprehension by a  
30 law-enforcement officer with authority to enforce the motor  
31 vehicle laws is guilty of a Class 1 misdemeanor.

32 (j1) A person who drives a vehicle on a highway at a speed  
33 that is more than 15 miles per hour more than the speed limit  
34 established by law for the highway where the offense occurred is  
35 guilty of a Class 2 misdemeanor.

36 (j2) A person who drives a motor vehicle in a highway work  
37 zone at a speed greater than the speed limit set and posted under  
38 G.S. 20-141 is responsible for an infraction and is required to  
39 pay a penalty of one hundred dollars (\$100.00). A "highway work  
40 zone" is the area between the first sign that informs motorists

1 of the existence of a work zone on a highway and the last sign  
2 that informs motorists of the end of the work zone. This  
3 subsection applies only if a sign posted at the beginning of the  
4 highway work zone states the penalty for speeding in the work  
5 zone.

6 ~~(k) The maximum speed limit on any public highway within the~~  
7 ~~State of North Carolina shall not exceed 55 miles per hour except~~  
8 ~~for those portions of the Interstate Highway System where the~~  
9 ~~Department of Transportation sets a higher speed limit pursuant~~  
10 ~~to subdivision (d)(2) of this section.~~

11 (l) Notwithstanding any other provision contained in G.S. 20-  
12 141 or any other statute or law of this State, including  
13 municipal charters, any speed limit on any portion of the public  
14 highways within the jurisdiction of this State shall be uniformly  
15 applicable to all types of motor vehicles using such portion of  
16 the highway, if on November 1, 1973, such portion of the highway  
17 had a speed limit which was uniformly applicable to all types of  
18 motor vehicles using it. Provided, however, that a lower speed  
19 limit may be established for any vehicle operating under a  
20 special permit because of any weight or dimension of such  
21 vehicle, including any load thereon. The requirement for a  
22 uniform speed limit hereunder shall not apply to any portion of  
23 the highway during such time as the condition of the highway,  
24 weather, an accident, or other condition creates a temporary  
25 hazard to the safety of traffic on such portion of the highway.

26 (m) The fact that the speed of a vehicle is lower than the  
27 foregoing limits shall not relieve the operator of a vehicle from  
28 the duty to decrease speed as may be necessary to avoid colliding  
29 with any person, vehicle or other conveyance on or entering the  
30 highway, and to avoid injury to any person or property.

31 (n) Notwithstanding any other provision contained in G.S. 20-  
32 141 or any other statute or law of this State, the failure of a  
33 motorist to stop his vehicle within the radius of its headlights  
34 or the range of his vision shall not be held negligence per se or  
35 contributory negligence per se."

36 Sec. 2. This act is effective upon ratification.

### Explanation of Legislative Proposal 2

The National Highway System Designation Act of 1995, signed into law by the President on November 28, 1995, abolished the national 55 mph speed limit. North Carolina is now free to set its own speed limits on Interstate, other Federal, and State Highways.

Current North Carolina law sets the maximum State speed limit at 55 mph, except for Interstate Highways. On Interstates, NC DOT is authorized to set the speed limit up to 70 mph, based on its engineering and traffic investigation of the segment proposed for a higher speed limit.

The draft bill would return the N.C. speed limit law to pre-1975, before the national 55 mph speed limit was mandated by Federal Law. The bill would reestablish DOT's authority to set speed limits up to 70 mph on non-Interstate, controlled-access highways. In addition, the draft eliminates ambiguous and obsolete language added in the mid-70s amendments.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S or H

D

LEGISLATIVE PROPOSAL 3

95-LJ-25 (1.3)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Utility Pole Extension.

(Public)

---

Sponsors: Senators Hoyle, Gulley, Horton, Kerr, Martin of Pitt,  
Rand, Smith, and Speed.

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW UTILITY POLES CARRIED ON SIDE-LOADERS TO EXTEND  
3 MORE THAN THREE FEET BEYOND THE FRONT BUMPER OF THE VEHICLE.  
4 The General Assembly of North Carolina enacts:  
5           Section 1. G.S. 20-116(f) reads as rewritten:  
6       "(f) The load upon any vehicle operated alone, or the load  
7 upon the front vehicle of a combination of vehicles, shall not  
8 extend more than three feet beyond the ~~front wheels of such~~  
9 ~~vehicle or the front bumper of such vehicle, if it is equipped~~  
10 ~~with such a bumper.~~ foremost part of the vehicle. Under this  
11 subsection 'load' shall include the boom on a self-propelled  
12 vehicle.  
13 A utility pole carried by a self-propelled pole carrier may  
14 extend beyond the front overhang limit set in this subsection if  
15 the pole cannot be dismembered, the pole is less than 80 feet in  
16 length, and either of the following circumstances apply:  
17           (1) It is daytime and the front of the extending load  
18           of poles is marked by a flag of the type required  
19           by G.S. 20-117 for certain rear overhangs.  
20           (2) It is nighttime, operation of the vehicle is  
21           required to make emergency repairs to utility  
22           service, and the front of the extending load of

1                   poles is marked by a light of the type required by  
2                   G.S. 20-117 for certain rear overhangs.

3    As used in this subsection, a 'self-propelled pole carrier' is  
4 a vehicle designed to carry a pole on the side of the vehicle at  
5 a height of at least five feet when measured from the bottom of  
6 the brace used to carry the pole. A self-propelled pole carrier  
7 may not tow another vehicle when carrying a pole that extends  
8 beyond the front overhang limit set in this subsection."

9                   Sec. 2. This act becomes effective July 1, 1996.

Explanation of Legislative Proposal 3  
Utility Pole Extension

This proposal creates an exception to the current limit on the length of a load that may extend beyond the front of a vehicle. The current limit, which is set in G.S. 20-116(f), is three feet. The proposal exempts self-propelled pole carriers from this limit in certain circumstances, effective July 1, 1996.

A self-propelled pole carrier is a side-loader vehicle that can carry utility poles on both sides of the vehicle, with the weight of the load distributed appropriately in front of and behind the vehicle. For the weight of the poles to be balanced, the poles need to extend more than 3 feet in front of the vehicle.

The poles are carried at a height of at least 5 feet from the ground when measured from the bottom of the brace used to carry the pole. This type of vehicle is used in lieu of a pole trailer towed by a truck-tractor. The overall length of the self-propelled pole carrier and the poles carried by the vehicle is 65 feet compared to an overall length of 104 feet for a pole trailer, towing unit, and overhanging poles. The proposal prohibits a self-propelled pole carrier from towing another vehicle.

The circumstances under which the bill allows a self-propelled pole carrier to exceed the 3-foot front overhang limit are when the vehicle is carrying a utility pole that cannot be dismembered and either of the following applies:

- (1) It is daylight and the front overhang is marked by a flag.
- (2) It is dark, is an emergency, and the front overhang is marked by a red light.

The proposal is recommended at the request of Duke Power Company. That company developed this type of vehicle in the mid 1980's to haul poles of more than 40 feet in length more safely and efficiently than hauling them on trailers. The company has been using these vehicles on the highways in South Carolina and off the highways in North Carolina. The company's experience with these vehicles is that they are safer than using a pole trailer and a towing unit.

Current law does not limit the length by which a load may overhang the rear of a vehicle. If the rear overhang is more than 4 feet, however, G.S. 20-117 requires the extending load to be marked by a red flag in the daytime and a red light at night. This proposal does not change the law on rear overhangs.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

D

LEGISLATIVE PROPOSAL 4

96-RWZ-014A

THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION

Short Title: Vehicle May Not Tow Sled.

(Public)

---

Sponsors:

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT VEHICLE TOWING OF PERSONS ON SLEDS OR SIMILAR  
3 DEVICES.  
4 The General Assembly of North Carolina enacts:  
5           Section 1.   G.S. 20-123 is amended by adding the  
6 following subsection to read:  
7 "(d) No person shall tow on a highway of the State by means of a  
8 vehicle a person on a sled, skis, skates, skateboard, or other  
9 similar device not intended for highway use."  
10           Sec. 2. This act becomes effective December 1, 1996.

#### Explanation of Legislative Proposal 4

This draft would amend the motor vehicle law to forbid the towing on a highway of persons on sleds, skates, or other devices not intended for highway use. Violation of this section would be punishable as infraction, with a penalty of up to \$100 (G.S. 20-176).

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

D

LEGISLATIVE PROPOSAL 5

96-RWZ-015A

THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION

Short Title: No Fee For Mail-In Registration.

(Public)

---

Sponsors:

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ELIMINATE THE ONE DOLLAR FEE FOR MAIL-IN VEHICLE  
3 REGISTRATION.  
4 The General Assembly of North Carolina enacts:  
5           Section 1. G.S. 20-85.1 reads as rewritten:  
6 § 20-85.1. Registration by mail; one-day title service; fees.  
7    "(a) The owner of a vehicle registered in North Carolina may  
8 renew that vehicle registration by mail. ~~A postage and handling~~  
9 ~~fee of one dollar (\$1.00) per vehicle to be registered shall be~~  
10 ~~charged for this service.~~  
11   (b) The Commissioner and the employees of the Division  
12 designated by the Commissioner may prepare and deliver upon  
13 request a certificate of title, charging a fee of fifty dollars  
14 (\$50.00) for one-day title service, in lieu of the title fee  
15 required by G.S. 20-85(a). The fee for one-day title service  
16 must be paid by cash or by certified check. The fee collected  
17 under this subsection shall be credited to the Highway Trust  
18 Fund.

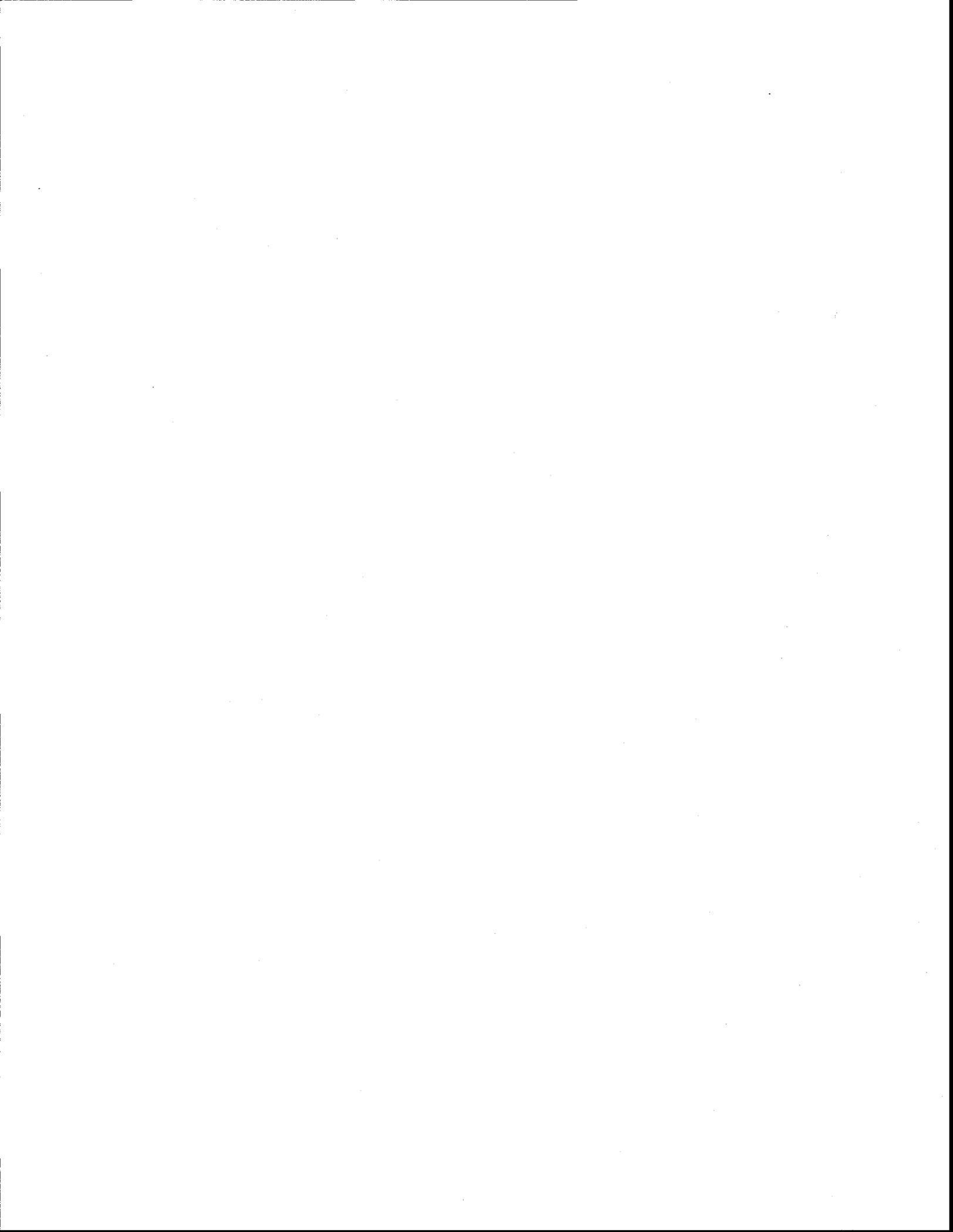
1 ~~(c) The fee collected under subsection (a) shall be credited to~~  
2 ~~the Highway Fund. The fee collected under subsection (b) shall~~  
3 ~~be credited to the Highway Trust Fund."~~

4           Sec. 2. This act becomes effective December 1, 1996.

**Explanation of Legislative Proposal 5**

**No fee for mail-in registration**

**This draft would eliminate the \$1 additional fee currently charged by the Division of Motor Vehicles to persons who renew their vehicle registration by mail.**



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

D

LEGISLATIVE PROPOSAL 6

96-RWZ-022A

THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION

Short Title: County Remove Registration Block. (Public)

---

Sponsors:

---

Referred to:

---

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW COUNTIES TO ELECTRONICALLY REMOVE A VEHICLE  
3 REGISTRATION TAX BLOCK UPON FULL PAYMENT OF PROPERTY TAXES.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 20-50.4 reads as rewritten:  
6 "§ 20-50.4. Division to refuse to register vehicles on which  
7 taxes are delinquent.  
8 Upon receiving the list of motor vehicle owners and motor  
9 vehicles sent by county tax collectors pursuant to G.S. 105-  
10 330.7, the Division shall refuse to register for the owner named  
11 in the list any vehicle identified in the list until either the  
12 vehicle owner presents the Division with a paid tax receipt  
13 identifying the vehicle for which registration was refused.  
14 refused or the county electronically certifies to the Division  
15 that the tax has been paid. The Division shall not refuse to  
16 register a vehicle for a person, not named in the list, to whom  
17 the vehicle has been transferred in good faith. Where a motor  
18 vehicle owner named in the list has transferred the registration  
19 plates from the motor vehicle identified in the list to another  
20 motor vehicle pursuant to G.S. 20-64 during the first vehicle's

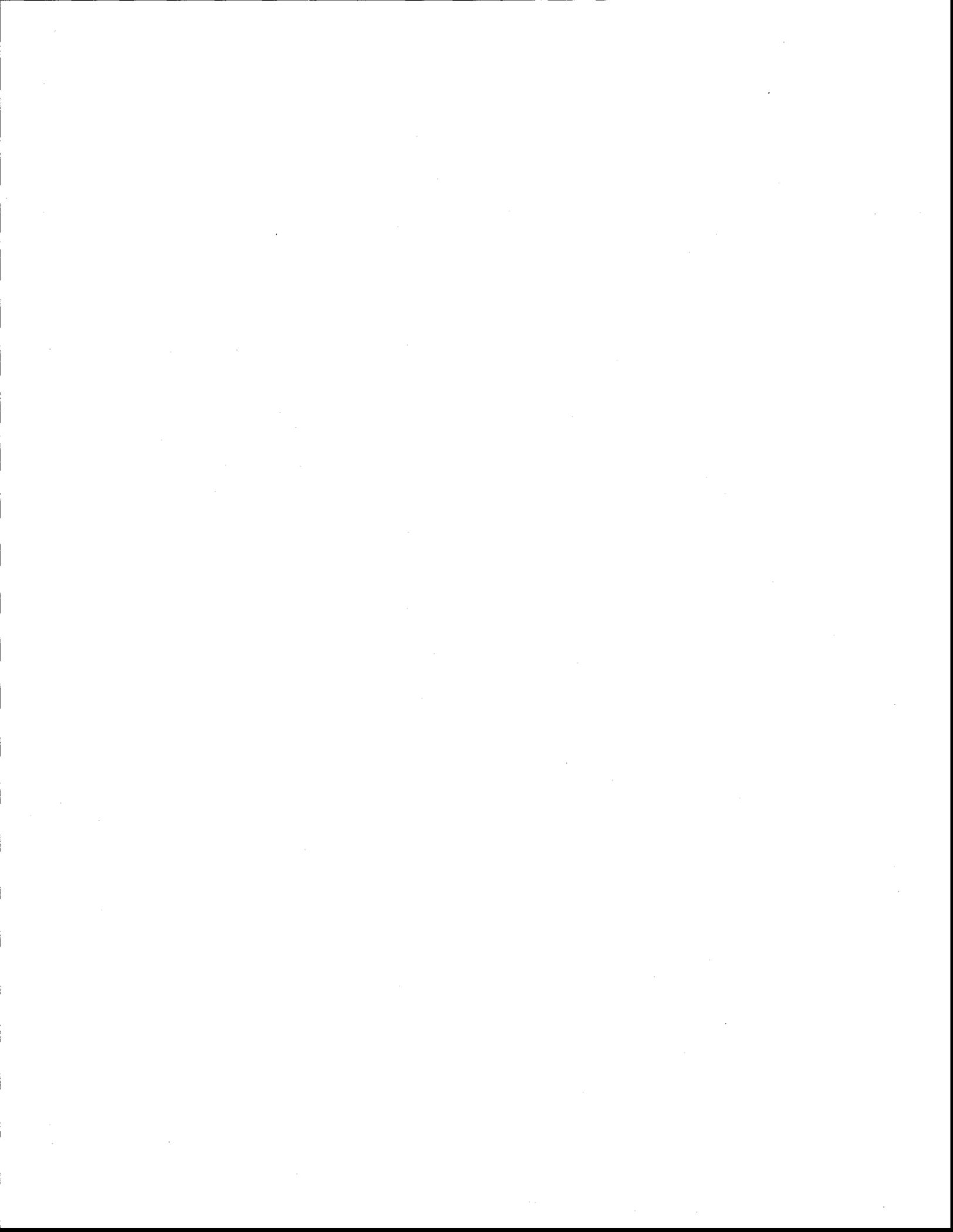
1 tax year, the Division shall refuse registration of the second  
2 vehicle until the vehicle owner presents the Division with a paid  
3 tax receipt identifying the vehicle from which the plates were  
4 ~~transferred.~~ transferred or the county electronically certifies  
5 to the Division that the tax has been paid. An electronic  
6 certification by the county must be in the format required by the  
7 Division.

8           Sec. 2. This act is effective upon ratification.

### Explanation of Legislative Proposal 6

Current law requires DMV to "block" the registration of a vehicle that has outstanding property taxes. To remove the "block", the person affected must pay the tax at the county tax office, and then take the receipt to DMV.

This draft would allow counties, once the new DMV computer system is fully in operation, to remove the vehicle registration "block" electronically, at the time payment is received from the taxpayer.





1 To obtain an H or an X endorsement, an applicant must take a  
2 test. This requirement applies when a person first obtains an H  
3 or an X endorsement and each time a person renews an H or an X  
4 endorsement. An applicant who has an H or an X endorsement issued  
5 by another state who applies for an H or an X endorsement must  
6 take a test unless the person has passed a test that covers the  
7 information set out in 49 C.F.R. § 383.121 within the preceding  
8 two years."

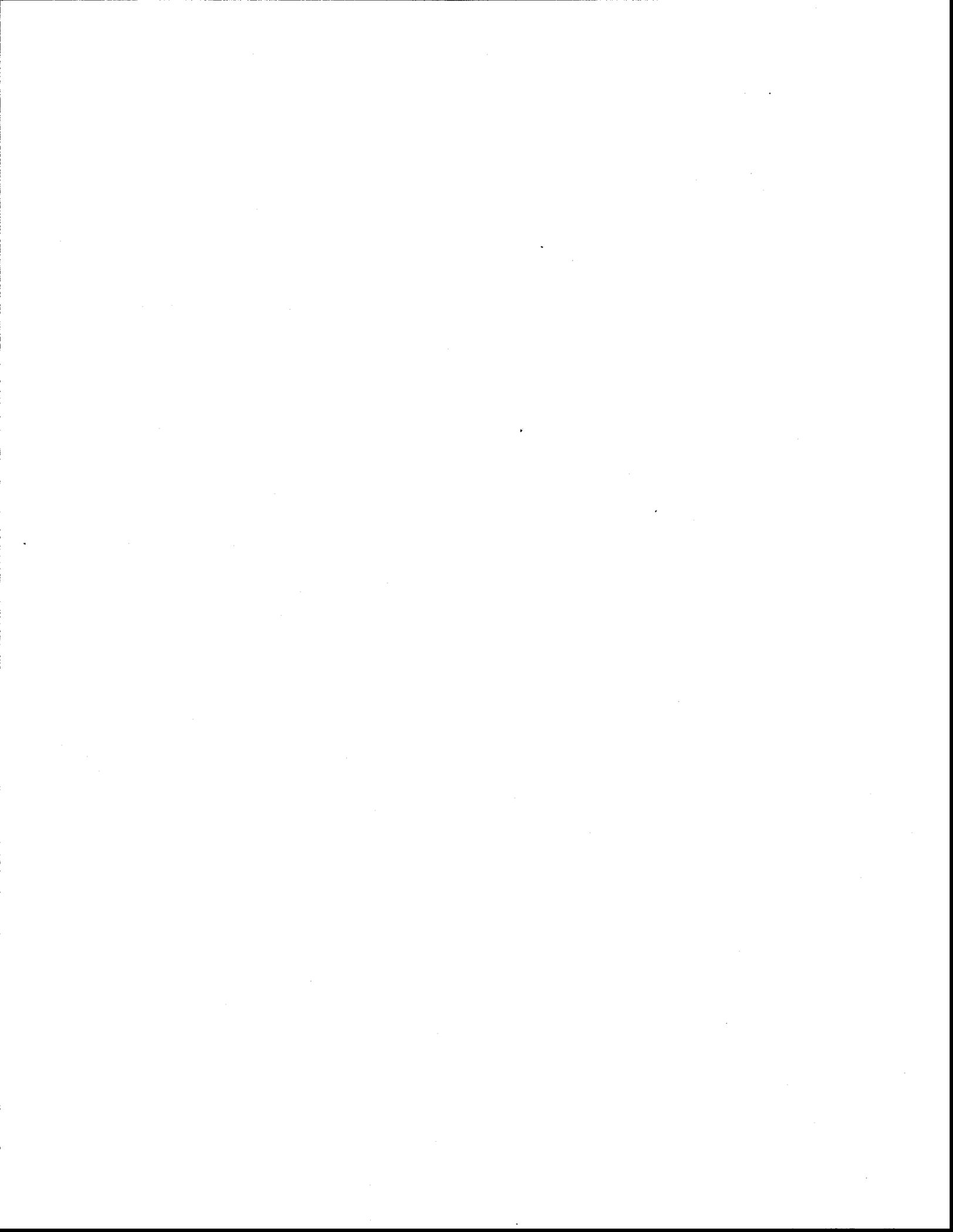
9 Sec. 2. This act is effective upon ratification.

Explanation of Legislative Proposal 7

Delete "L" CDL Endorsement

This proposal deletes a commercial drivers license endorsement that is unnecessary because it is not used now and never has been used by the Division of Motor Vehicles. The unnecessary endorsement is an "L" endorsement, which is described in the statute as an endorsement for double trailers that are longer combination vehicles. Reference to an "L" endorsement that does not exist is confusing and conflicts with current drivers license administration. The practice in this State and nationwide is to use "L" as a restriction, rather than an endorsement, that prohibits the holder of the license from driving a vehicle that has air brakes.

An endorsement is an authorization to drive certain vehicles for which a drivers license alone is not sufficient. To drive a vehicle for which an endorsement is required, a person must have a license and an endorsement. To obtain an endorsement, a person must pass an additional written test and often an additional skills test. A restriction limits the scope of a drivers license, such as by requiring the driver to wear glasses while driving. Both an endorsement and a restriction are noted on the face of a drivers license.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S or H

D

LEGISLATIVE PROPOSAL 8

95-LJ-31(1.2)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: 60 Days To Change DMV Info.

(Public)

---

Sponsors: Transportation Oversight.

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF 60 DAYS IN WHICH TO  
3 OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION  
4 CARD, OR A VEHICLE REGISTRATION.  
5 The General Assembly of North Carolina enacts:  
6           Section 1. G.S. 20-4.6 is repealed.  
7           Sec. 2. G.S. 20-7(a) reads as rewritten:  
8   "(a) License Required. -- To drive a motor vehicle on a  
9 highway, a person must be licensed by the Division under this  
10 Article or Article 2C of this Chapter to drive the vehicle and  
11 must carry the license while driving the vehicle. The Division  
12 issues regular drivers licenses under this Article and issues  
13 commercial drivers licenses under Article 2C.  
14 A license authorizes the holder of the license to drive any  
15 vehicle included in the class of the license and any vehicle  
16 included in a lesser class of license, except a vehicle for which  
17 an endorsement is required. To drive a vehicle for which an  
18 endorsement is required, a person must obtain both a license and  
19 an endorsement for the vehicle. A regular drivers license is  
20 considered a lesser class of license than its commercial  
21 counterpart.

1 The classes of regular drivers licenses and the motor vehicles  
2 that can be driven with each class of license are:

- 3 (1) Class A. -- A Class A license authorizes the holder  
4 to drive any of the following:  
5 a. A Class A motor vehicle that is exempt under  
6 G.S. 20-37.16 from the commercial drivers  
7 license requirements.  
8 b. A Class A motor vehicle that has a combined  
9 GVWR of less than 26,001 pounds and includes  
10 as part of the combination a towed unit that  
11 has a GVWR of at least 10,001 pounds.
- 12 (2) Class B. -- A Class B license authorizes the holder  
13 to drive any Class B motor vehicle that is exempt  
14 under G.S. 20-37.16 from the commercial drivers  
15 license requirements.
- 16 (3) Class C. -- A Class C license authorizes the holder  
17 to drive any of the following:  
18 a. A Class C motor vehicle that is not a  
19 commercial motor vehicle.  
20 b. When operated by a volunteer member of a fire  
21 department, a rescue squad, or an emergency  
22 medical service (EMS) in the performance of  
23 duty, a Class A or Class B fire-fighting,  
24 rescue, or EMS motor vehicle or a combination  
25 of these vehicles.

26 The Commissioner may assign a unique motor vehicle to a class  
27 that is different from the class in which it would otherwise  
28 belong.

29 A new resident of North Carolina who has a drivers license  
30 issued by another jurisdiction must obtain a license from the  
31 Division within ~~30~~ 60 days after becoming a resident."

32 Sec. 3. G.S. 20-7(f) reads as rewritten:

33 " (f) Expiration and Temporary License. -- The first drivers  
34 license the Division issues to a person expires on the person's  
35 fourth or subsequent birthday that occurs after the license is  
36 issued and on which the individual's age is evenly divisible by  
37 five, unless this subsection sets a different expiration date.  
38 The first drivers license the Division issues to a person who is  
39 at least 17 years old but is less than 18 years old expires on  
40 the person's twentieth birthday. The first drivers license the  
41 Division issues to a person who is at least 62 years old expires  
42 on the person's birthday in the fifth year after the license is  
43 issued, whether or not the person's age on that birthday is  
44 evenly divisible by five.

1 A drivers license that was issued by the Division and is  
2 renewed by the Division expires five years after the expiration  
3 date of the license that is renewed. A person may apply to the  
4 Division to renew a license during the 60-day period before the  
5 license expires. The Division may not accept an application for  
6 renewal made before the 60-day period begins.

7 ~~Any person serving in the armed forces of the United States on~~  
8 ~~active duty and holding a valid drivers license properly issued~~  
9 ~~under this section and stationed outside the State of North~~  
10 ~~Carolina may renew the license by making application to the~~  
11 ~~Division by mail. Any other person, except a nonresident, who~~  
12 ~~holds a valid drivers license issued under this section and who~~  
13 ~~is temporarily residing outside North Carolina, may also renew by~~  
14 ~~making application to the Division by mail. For purposes of this~~  
15 ~~section "temporarily" shall mean not less than 30 days continuous~~  
16 ~~absence from North Carolina. In either case, the~~

17 The Division may renew by mail a drivers license issued by the  
18 Division to a person who meets any of the following descriptions:

19 (1) Is serving on active duty in the armed forces of  
20 the United States and is stationed outside this  
21 State.

22 (2) Is a resident of this State and has been residing  
23 outside the State for at least 30 continuous days.

24 When renewing a license by mail, the Division may waive the  
25 examination and color photograph that would otherwise be required  
26 for the renewal of a drivers license, for the renewal and may  
27 impose in lieu thereof any conditions it considers appropriate to  
28 each particular application, finds advisable. A license renewed  
29 by mail is a temporary license that expires 30 60 days after the  
30 person to whom it is issued returns to this State."

31 Sec. 4. G.S. 20-7.1 reads as rewritten:

32 "§ 20-7.1. Notification Notice of change of address, address or  
33 name.

34 ~~Whenever the holder of a license issued under the provision of~~  
35 ~~G.S. 20-7 has a change in the address as shown on such license,~~  
36 ~~he or she shall apply for a duplicate license within 60 days~~  
37 ~~after such address has been changed. Provided, that if the~~  
38 ~~licensee's mailing address has been changed by governmental~~  
39 ~~action and there has been no actual change of residence location,~~  
40 ~~upon giving notice in writing to the Division of Motor Vehicles~~  
41 ~~in Raleigh within 60 days of this change of address, the licensee~~  
42 ~~may use his current license or permit until its expiration or~~  
43 ~~obtain a duplicate license or permit showing the new address upon~~  
44 ~~payment of the required fee. No person shall be charged with~~

1 ~~having violated this section when only his mailing address has~~  
2 ~~been changed by governmental action.~~

3 (a) Address. -- A person whose address changes from the address  
4 stated on a drivers license must notify the Division of the  
5 change within 60 days after the change occurs. If the person's  
6 address changed because the person moved, the person must obtain  
7 a duplicate license within that time limit stating the new  
8 address. A person who does not move but whose address changes  
9 due to governmental action may not be charged with violating this  
10 subsection.

11 (b) Name. -- A person whose name changes from the name stated  
12 on a drivers license must notify the Division of the change  
13 within 60 days after the change occurs and obtain a duplicate  
14 drivers license stating the new name,

15 (c) Fee. -- G.S. 20-14 sets the fee for a duplicate license."

16 Sec. 5. G.S. 20-37.12(e) reads as rewritten:

17 "(e) ~~In accordance with G.S. 20-7, G.S. 20-7 sets the time~~  
18 period in which a new resident of North Carolina has 30 days to  
19 must obtain a license from the Division. The Commissioner may  
20 establish by rule the conditions under which the test  
21 requirements for a commercial drivers license may be waived for a  
22 new resident who is licensed in another state."

23 Sec. 6. G.S. 20-37.9 reads as rewritten:

24 "§ 20-37.9. Notification Notice of change of address, address or  
25 name.

26 ~~Whenever the holder of a special identification card issued~~  
27 ~~under G.S. 20-37.7 has a change in the address as shown on the~~  
28 ~~special identification card, he or she shall apply for reissuance~~  
29 ~~of a special identification card within 60 days after the address~~  
30 ~~has been changed. The fee for reissuance of a special~~  
31 ~~identification card is the same as the fee set in G.S. 20-37.7~~  
32 ~~for issuing a special identification card. If a change of~~  
33 ~~address is the result of governmental action and there is no~~  
34 ~~actual change of geographical location, the holder of the card is~~  
35 ~~not required to change the address on the card until the Division~~  
36 ~~issues the holder another card.~~

37 (a) Address. -- A person whose address changes from the address  
38 stated on a special identification card must notify the Division  
39 of the change within 60 days after the change occurs. If the  
40 person's address changed because the person moved, the person  
41 must obtain a new special identification card within that time  
42 limit stating the new address. A person who does not move but  
43 whose address changes due to governmental action may not be  
44 charged with violating this subsection.

1 (b) Name. -- A person whose name changes from the name stated  
2 on a special identification card must notify the Division of the  
3 change within 60 days after the change occurs and obtain a new  
4 special identification card stating the new name,

5 (c) Fee. -- G.S. 20-37.7 sets the fee for a special  
6 identification card."

7 Sec. 7. G.S. 20-67 reads as rewritten:

8 "§ 20-67. Notice of change of address or name.

9 ~~(a) Address. -- Whenever any person, after making application~~  
10 ~~for or obtaining the registration of a vehicle or a certificate~~  
11 ~~of title, shall move from the A person whose address named in the~~  
12 ~~application or shown upon a registration card or certificate of~~  
13 ~~title, such person shall within 30 days thereafter notify the~~  
14 ~~Division in writing of his old and new addresses. changes from~~  
15 ~~the address stated on a certificate of title or registration card~~  
16 ~~must notify the Division of the change within 60 days after the~~  
17 ~~change occurs. The person may obtain a duplicate certificate of~~  
18 ~~title or registration card stating the new address but is not~~  
19 ~~required to do so. A person who does not move but whose address~~  
20 ~~changes due to governmental action may not be charged with~~  
21 ~~violating this subsection.~~

22 ~~(b) Name. -- Whenever the name of any person who has made~~  
23 ~~application for or obtained the registration of a vehicle or a~~  
24 ~~certificate of title is thereafter changed by marriage or~~  
25 ~~otherwise, such person shall thereafter forward or cause to be~~  
26 ~~forwarded to the Division the certificate of title and to make~~  
27 ~~application for correction of the certificate on forms provided~~  
28 ~~by the Division. A person whose name changes from the name stated~~  
29 ~~on a certificate of title or registration card must notify the~~  
30 ~~Division of the change within 60 days after the change occurs.~~  
31 ~~The person may obtain a duplicate certificate of title or~~  
32 ~~registration card but is not required to do so.~~

33 (c) Fee. -- G.S. 20-85 sets the fee for a duplicate certificate  
34 of title or registration card."

35 Sec. 8. This act becomes effective December 1, 1996.

Explanation of Legislative Proposal 8  
60 Days To Change DMV Information

This proposal establishes 60 days as the standard time period in which a new resident of this State must obtain a drivers license, a special identification card, or a vehicle registration and in which a current resident of this State must notify the Division of a change of address or name. It also makes standard a requirement that a person whose name changes notify the Division of the change within 60 days. Further, it establishes a standard requirement that a person who has not moved but whose address has changed must notify the Division of the change. Finally, it makes clarifying changes to the affected statutes.

Under current law, some of these time periods are 30 days, some are 60 days, and some are unlimited and no notice is required in some instances for a change of name. The current law is as follows:

<u>Circumstance</u>	<u>Days</u> <u>Allowed</u>	<u>Statute</u>
New resident to obtain license	30	20-4.6
New resident to obtain license	30	20-7(a), 20-37.12(e)
Renewal of temporary license upon return to State	30	20-7(f)
Notice of change of address for license	60	20-7.1, 20-37.15(b)
Notice of change of name for license	60, but required only for CDL	20-37.15(b)
Notice of change of address for special id card	60	20-37.9
Notice of change of name for special id card	Not required	
Notice of change of address for vehicle registration	30	20-67(a)
Noice of change of name for vehicle registration	Unlimited	20-67(b)

Section 1 repeals G.S. 20-4.6 because it is unnecessary and confusing. The section addresses privileges of vehicles registered in another state and requires

new residents to register their vehicles with the Division within 30 days after becoming a resident. The part that addresses privileges of vehicles registered in another state conflicts with G.S. 20-4.8, which is the controlling law, and the part that sets a time limit for a new resident to register a vehicle both conflicts with the proposed 60-day limit and unnecessarily repeats G.S. 20-67.

Section 2 changes the time in which a new resident must obtain a drivers license from 30 days to 60 days.

Section 3 extends from 30 days to 60 days the time in which a person who has a temporary drivers license must obtain a regular license. The Division can issue a temporary drivers license by mail as the renewal of a license previously issued by the Division when the license holder is out of the State. A temporary license now expires 30 days after the license holder returns to the State.

Section 4 rewrites the statute requiring a duplicate license for a change of address to add a requirement to notify the Division of a change of name. Notification of a change of name is now required for a commercial drivers license but not a regular license. Lack of correct names is part of the reason the Division cannot currently match many license revocation orders to licensed drivers. G.S. 20-37.15(b), in the commercial drivers license provisions, states that when a person's name changes, the person must apply for a duplicate license as provided in G.S. 20-7.1. Currently, however, G.S. 20-7.1 does not address obtaining a duplicate when a name changes. The rewritten section adds a cross-reference to the fee for a duplicate license but does not impose a new fee. Failure to obtain a duplicate license as required is a Class 2 misdemeanor under G.S. 20-35.

Section 5 makes a conforming change to the CDL statutes. The relevant statute now unnecessarily repeats the time period in which a new resident must obtain a drivers license. This section deletes the current 30-day limit and substitutes a cross reference to the new 60-day limit.

Section 6 conforms the special id statute to the drivers license statute with respect to notice of a change of address or name. The special id statute currently does not require notification of a change of name. Also, the statute is not clear whether a person whose address has changed but who has not moved must notify the Division. As interpreted, the statute means that a person in this circumstance must notify the Division but is not required to get a new special id card.

Section 7 rewrites the statute requiring a person to notify DMV of a change of name or address for purposes of vehicle registration. The statute clarifies

that a person who has not moved but whose address has changed must notify the Division of the change. This is the practice although the statute addresses only a move. In making this change, the statute is conformed to the drivers license change of address provisions. The rewritten section also adds a cross reference to the fee for a duplicate certificate of title or duplicate fee. It does not change the fee, however. Failure to notify the Division of a change or address or name as required is a Class 2 misdemeanor under G.S. 20-176.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S or H

D

LEGISLATIVE PROPOSAL 9

95-LJ-32(1.2)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Digitized Imagery License Changes. (Public)

---

Sponsors: Transportation Oversight.

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO USE DIFFERENT  
3 COLOR BORDERS TO DISTINGUISH THE AGE OF LICENSE HOLDERS,  
4 THEREBY MAKING IT EASIER TO ISSUE DUPLICATE LICENSES BY MAIL  
5 WHEN THE PHOTOGRAPH ON THE ORIGINAL LICENSE IS A DIGITIZED  
6 IMAGE.  
7 The General Assembly of North Carolina enacts:  
8           Section 1. G.S. 20-7(n) reads as rewritten:  
9    "(n) Format. -- A drivers license issued by the Division must  
10 be tamperproof and must contain all of the following information:  
11       (1) An identification of this State as the issuer of  
12       the license.  
13       (2) The license holder's full name.  
14       (3) The license holder's residence address.  
15       (4) A color photograph of the license holder, taken by  
16       the Division.  
17       (5) A physical description of the license holder,  
18       including sex, height, eye color, and hair color.  
19       (6) The license holder's date of birth.  
20       (7) The license holder's social security number or  
21       another identifying number assigned by the  
22       Division.

- 1 (8) Each class of motor vehicle the license holder is  
2 authorized to drive and any endorsements or  
3 restrictions that apply.  
4 (9) The license holder's signature.  
5 (10) The date the license was issued and the date the  
6 license expires.

7 The Commissioner may waive the requirement of a color  
8 photograph on a license if the license holder proves to the  
9 satisfaction of the Commissioner that taking the photograph would  
10 violate the license holder's religious convictions. In taking  
11 photographs of license holders, the Division must distinguish  
12 between license holders who are less than 21 years old and  
13 license holders who are at least 21 years old by using different  
14 color backgrounds or borders for each group. The Division shall  
15 determine the different colors to be used.

16 At the request of an applicant for a drivers license, a license  
17 issued to the applicant must contain the applicant's race."

18 Sec. 2. G.S. 20-14 reads as rewritten:

19 "§ 20-14. Duplicate licenses.

20 A person may obtain a duplicate of a license issued by the  
21 Division by paying a fee of ten dollars (\$10.00) and giving the  
22 Division satisfactory proof that any of the following has  
23 occurred:

- 24 (1) The person's license has been lost or destroyed.  
25 (2) It is necessary to change the name or address on  
26 the license.  
27 (3) Because of age, the person is entitled to a license  
28 with a different color photographic ~~background~~  
29 background or a different color border.  
30 (4) The Division revoked the person's license, the  
31 revocation period has expired, and the period for  
32 which the license was issued has not expired."

33 Sec. 3. This act is effective upon ratification.

Explanation of Legislative Proposal 9  
Digitized Imagery License Changes

The Division of Motor Vehicles plans to use digitized imagery for the photograph of a person on a drivers license beginning sometime after October of 1996. When this occurs, the Division's records will include that image of the person. Therefore, a person who needs a duplicate license because of a change of address or name change would not have to visit a Division office. The Division could issue the duplicate license, complete with the digitized image, by mail.

A problem in implementing the issuance of a digitized duplicate license by mail is the requirement that a drivers license of a person who is at least 21 years old have a different color background than a drivers license issued to a person who is less than 21 years old. A digitized image can be edited to change the colors in the image, but editing requires more time and costs more than not editing the image. This bill resolves the potential editing problem by allowing the Division to use different color borders, as opposed to different color backgrounds, to distinguish the age group of the license holder.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S or H

D

LEGISLATIVE PROPOSAL 10

95-LJ-16(1.4)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: DMV Trucking/Technical Changes.

(Public)

---

Sponsors: Transportation Oversight.

---

Referred to:

---

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO CONFORM THE MOTOR VEHICLE LAWS TO THE FEDERAL  
3 DEREGULATION OF TRUCKING AND TO MAKE TECHNICAL CHANGES TO THE  
4 MOTOR VEHICLE LAWS.  
5 The General Assembly of North Carolina enacts:  
6                   Section 1. G.S. 20-1 reads as rewritten:  
7 "§ 20-1. Division of Motor Vehicles ~~of the Department of~~  
8 ~~Transportation; powers and duties, established.~~  
9    ~~The Department of Motor Vehicles is hereby redesignated the~~  
10 ~~Division of Motor Vehicles of the Department of Transportation.~~  
11 ~~The Division of Motor Vehicles shall have the same powers and~~  
12 ~~duties as were held by the Department of Motor Vehicles except as~~  
13 ~~otherwise provided in this Article. All powers, duties and~~  
14 ~~functions relating to the collection of motor fuel taxes and the~~  
15 ~~collection of the gasoline and oil inspection taxes shall~~  
16 ~~continue to be vested in and exercised by the Secretary of~~  
17 ~~Revenue, and wherever it is now provided by law that reports~~  
18 ~~shall be filed with the Secretary of Revenue, or Department of~~  
19 ~~Revenue, as a basis for collecting the motor fuel or gasoline and~~  
20 ~~oil inspection taxes, or enforcing any of the laws regarding the~~  
21 ~~motor fuel or gasoline and oil inspection taxes, such reports~~  
22 ~~shall continue to be made to the Department of Revenue and the~~  
23 ~~Commissioner of Motor Vehicles shall make available to the~~

1 ~~Secretary of Revenue all information from files of the Division~~  
2 ~~of Motor Vehicles which the Secretary of Revenue may request to~~  
3 ~~enable him to better enforce the law with respect to the~~  
4 ~~collection of such taxes. Nothing in this Article shall deprive~~  
5 ~~the Utilities Commission of any of the duties or powers now~~  
6 ~~vested in it with regard to the regulation of motor vehicle~~  
7 ~~carriers. Transportation is established. This Chapter sets out~~  
8 ~~the powers and duties of the Division.~~"

9 Sec. 2. G.S. 20-4.01(27)c. reads as rewritten:

10 "c. Common carriers of passengers. -- Vehicles  
11 operated under a franchise certificate of  
12 authority issued by the Utilities Commission  
13 for operation on the highways of this State  
14 between fixed termini or over a regular route  
15 for the transportation of persons ~~or property~~  
16 for compensation."

17 Sec. 3. G.S. 20-4.01 is amended by adding the following  
18 subdivisions in the appropriate alphabetical order to read:

19 "(11a) For-hire Motor Carrier. -- A person who  
20 transports passengers or property by motor  
21 vehicle for compensation.

22 (21b) Motor Carrier. -- A for-hire motor carrier or  
23 a private motor carrier.

24 (29a) Private Motor Carrier. -- A person who  
25 transports passengers or property by motor  
26 vehicle in interstate commerce and is not a  
27 for-hire motor carrier."

28 Sec. 4. G.S. 20-4.01(31) reads as rewritten:

29 "(31) Property-Hauling Vehicles. --

30 a. ~~Exempt for-hire vehicles. -- Vehicles used for~~  
31 ~~the transportation of property for hire but~~  
32 ~~not licensed as common carriers or contract~~  
33 ~~carriers of property under franchise~~  
34 ~~certificates or permits issued by the~~  
35 ~~Utilities Commission or by the Interstate~~  
36 ~~Commerce Commission; provided, that the term~~  
37 ~~"for hire" shall include every arrangement by~~  
38 ~~which the owner of a vehicle uses, or permits~~  
39 ~~such vehicle to be used, for the~~  
40 ~~transportation of the property of another for~~  
41 ~~compensation, subject to the following~~  
42 ~~exemptions:~~

43 1. ~~The transportation of farm crops or~~  
44 ~~products, including logs, bark, pulp, and~~

- 1 ~~tannic acid wood delivered from farms and~~  
2 ~~forest to the first or primary market,~~  
3 ~~and the transportation of wood chips from~~  
4 ~~the place where wood has been converted~~  
5 ~~into chips to their first or primary~~  
6 ~~market.~~
- 7 2. ~~The transportation of perishable foods~~  
8 ~~which are still owned by the grower while~~  
9 ~~being delivered to the first or primary~~  
10 ~~market by an operator who has not more~~  
11 ~~than one truck, truck-tractor, or trailer~~  
12 ~~in a for-hire operation.~~
- 13 3. ~~The transportation of merchandise hauled~~  
14 ~~for neighborhood farmers incidentally and~~  
15 ~~not as a regular business in going to and~~  
16 ~~from farms and primary markets.~~
- 17 4. ~~The transportation of T.V.A. or A.A.A.~~  
18 ~~phosphate and/or agricultural limestone~~  
19 ~~in bulk which is furnished as a grant of~~  
20 ~~aid under the United States Agricultural~~  
21 ~~Adjustment Administration.~~
- 22 5. ~~The transportation of fuel for the~~  
23 ~~exclusive use of the public schools of~~  
24 ~~the State.~~
- 25 6. ~~Vehicles whose sole operation in carrying~~  
26 ~~the property of others is limited to the~~  
27 ~~transportation of the United States mail~~  
28 ~~pursuant to a contract, or the extension~~  
29 ~~or renewal of such contract.~~
- 30 7. ~~Vehicles leased for a term of one year or~~  
31 ~~more to the same person when used~~  
32 ~~exclusively by such person in~~  
33 ~~transporting his own property.~~
- 34 b. ~~Common carrier of property vehicles. --~~  
35 ~~Vehicles used for the transportation of~~  
36 ~~property certified by the Utilities Commission~~  
37 ~~or the Interstate Commerce Commission as~~  
38 ~~common carriers.~~
- 39 c. ~~Private hauler vehicles. -- Vehicles used for~~  
40 ~~the transportation of property not falling~~  
41 ~~within one of the above-defined~~  
42 ~~classifications; provided, self-propelled~~  
43 ~~vehicles equipped with permanent living and~~  
44 ~~sleeping facilities used for camping~~

- 1                   ~~activities shall be classified as private~~  
2                   ~~passenger vehicles.~~
- 3           d.   Semitrailers. -- Vehicles without motive power  
4                   designed for carrying property or persons and  
5                   for being drawn by a motor vehicle, and so  
6                   constructed that part of their weight or their  
7                   load rests upon or is carried by the pulling  
8                   vehicle.
- 9           e.   Trailers. -- Vehicles without motive power  
10                   designed for carrying property or persons  
11                   wholly on their own structure and to be drawn  
12                   by a motor vehicle, including "pole trailers"  
13                   or a pair of wheels used primarily to balance  
14                   a load rather than for purposes of  
15                   transportation.
- 16           ~~f.   Contract carrier of property vehicles. --~~  
17                   ~~Vehicles used for the transportation of~~  
18                   ~~property under a franchise permit of a~~  
19                   ~~regulated contract carrier issued by the~~  
20                   ~~Utilities Commission or the Interstate~~  
21                   ~~Commerce Commission."~~

22           Sec. 5. G.S. 20-37.16(e) reads as rewritten:

23           "(e) The requirements for a commercial drivers license do not  
24           apply to vehicles used for personal use such as recreational  
25           vehicles. A commercial drivers license is also waived for the  
26           following classes of vehicles as permitted by regulation of the  
27           United States Department of Transportation:

- 28           (1) Vehicles owned or operated by the Department of  
29                   Defense, including the National Guard, while they  
30                   are driven by active duty military personnel, or  
31                   members of the National Guard when on active duty,  
32                   in the pursuit of military ~~purposes;~~ purposes.
- 33           (2) Any vehicle when used as firefighting or emergency  
34                   equipment for the purpose of preserving life or  
35                   property or to execute emergency governmental  
36                   ~~functions;~~ and functions.
- 37           (3) ~~Farm vehicles that meet~~ A farm vehicle that meets  
38                   all of the following criteria:
- 39                   a.   ~~Controlled~~ Is controlled and operated by the  
40                           farmer or the farmer's employee and used  
41                           exclusively for farm ~~use;~~ use.
- 42                   b.   Used Is used to transport either agricultural  
43                           products, farm machinery, or farm supplies,  
44                           both to or from a ~~farm;~~ farm.

1 c. ~~Not is not used in the operations of a common~~  
2 ~~or contract for-hire motor carrier; and~~  
3 ~~carrier.~~

4 d. ~~Used Is used within 150 miles of the farmer's~~  
5 ~~farm.~~

6 A farm vehicle includes a forestry vehicle that  
7 meets the listed criteria when applied to the  
8 forestry operation."

9 Sec. 6. G.S. 20-64.1 is repealed.

10 Sec. 7. G.S. 20-87(1) reads as rewritten:

11 "~~(1) Common Carrier, Contract Carriers and Exempt~~  
12 ~~For-Hire Passenger Carrier Vehicles. -- For-hire~~  
13 ~~passenger vehicles shall be taxed at the rate of~~  
14 ~~The fee for a passenger vehicle that is operated~~  
15 ~~for compensation and has a capacity of fifteen~~  
16 ~~passengers or less is seventy-eight dollars~~  
17 ~~(\$78.00) per year for each vehicle of~~  
18 ~~fifteen-passenger capacity or less and vehicles of~~  
19 ~~over fifteen-passenger capacity shall be classified~~  
20 ~~as buses and shall be taxed at a rate of (\$78.00).~~  
21 ~~The fee for a passenger vehicle that is operated~~  
22 ~~for compensation and has a capacity of more than~~  
23 ~~fifteen passengers is one dollar and forty cents~~  
24 ~~(\$1.40) per hundred pounds of empty weight per year~~  
25 ~~for each vehicle; provided, however, no license~~  
26 ~~shall be issued for the operation of any taxicab~~  
27 ~~until the governing body of the city or town in~~  
28 ~~which such taxicab is principally operated, if the~~  
29 ~~principal operation is in a city or town, has~~  
30 ~~issued a certificate showing:~~

31 a. ~~That the operator of such taxicab has provided~~  
32 ~~liability insurance or other form of indemnity~~  
33 ~~for injury to person or damage to property~~  
34 ~~resulting from the operation of such taxicab,~~  
35 ~~in such amount as required by the city or~~  
36 ~~town, and~~

37 b. ~~That the convenience and necessity of the~~  
38 ~~public requires the operation of such taxicab.~~  
39 ~~All persons operating taxicabs on January 1,~~  
40 ~~1945, shall be entitled to a certificate of~~  
41 ~~necessity and convenience for the number of~~  
42 ~~taxicabs operated by them on such date, unless~~  
43 ~~since said date the license of such person or~~  
44 ~~persons to operate a taxicab or taxicabs has~~

1 ~~been revoked or their right to operate has~~  
 2 ~~been withdrawn or revoked; provided that all~~  
 3 ~~persons operating taxicabs in Edgecombe, Lee,~~  
 4 ~~Nash and Union Counties on January 1, 1945,~~  
 5 ~~shall be entitled to certificates of necessity~~  
 6 ~~and convenience only with the approval of the~~  
 7 ~~governing authority of the town or city~~  
 8 ~~involved.~~

9 ~~A taxicab shall be defined as any motor~~  
 10 ~~vehicle, seating nine or fewer passengers,~~  
 11 ~~operated upon any street or highway on call or~~  
 12 ~~demand, accepting or soliciting passengers~~  
 13 ~~indiscriminately for hire between such points~~  
 14 ~~along streets or highways as may be directed~~  
 15 ~~by the passenger or passengers so being~~  
 16 ~~transported, and shall not include motor~~  
 17 ~~vehicles or motor vehicle carriers as defined~~  
 18 ~~in Article 17 of this Chapter. Such taxicab~~  
 19 ~~shall not be construed to be a common carrier~~  
 20 ~~nor its operator a public service corporation.~~  
 21 ~~of the vehicle."~~

22 Sec. 8. G.S. 20-88(b) reads as rewritten:

23 "(b) The following fees are imposed on the annual registration  
 24 of self-propelled property-hauling vehicles; the fees are based  
 25 on the type of vehicle and its weight:

26 **SCHEDULE OF WEIGHTS AND RATES**

27

---

28 Rates Per Hundred Pound Gross Weight

29

30		<u>Farmer Rate</u>
31	Not over 4,000 pounds	\$0.23
32	4,001 to 9,000 pounds inclusive	.29
33	9,001 to 13,000 pounds inclusive	.37
34	13,001 to 17,000 pounds inclusive	.51
35	Over 17,000 pounds	.58

36 **SCHEDULE OF WEIGHTS AND RATES**

37

---

38 Rates Per Hundred Pound Gross Weight

39 ~~Private Hauler,~~

40 ~~Contract Carriers, Flat~~

41 ~~Rate Common Carriers and~~

42 ~~Exempt for-Hire Carriers~~

43 General Rate

44	Not over 4,000 pounds	\$0.46
----	-----------------------	--------

- |   |                                   |      |
|---|-----------------------------------|------|
| 1 | 4,001 to 9,000 pounds inclusive   | .63  |
| 2 | 9,001 to 13,000 pounds inclusive  | .78  |
| 3 | 13,001 to 17,000 pounds inclusive | 1.06 |
| 4 | Over 17,000 pounds                | 1.20 |
- 5           (1) The minimum fee for a vehicle licensed under this  
6           subsection is seventeen dollars and fifty cents  
7           (\$17.50) at the farmer rate and twenty-one dollars  
8           and fifty cents (\$21.50) at the ~~private hauler,~~  
9           ~~contract carrier, and common carrier rates,~~ general  
10          rate.
- 11          (2) The term "farmer" as used in this subsection means  
12          any person engaged in the raising and growing of  
13          farm products on a farm in North Carolina not less  
14          than 10 acres in area, and who does not engage in  
15          the business of buying products for resale.
- 16          (3) License plates issued at the farmer rate shall be  
17          placed upon trucks and truck-tractors that are  
18          operated exclusively in the carrying or  
19          transportation of applicant's farm products, raised  
20          or produced on his farm, and farm supplies and not  
21          operated in hauling for hire.
- 22          (4) "Farm products" means any food crop, livestock,  
23          poultry, dairy products, flower bulbs, or other  
24          nursery products and other agricultural products  
25          designed to be used for food purposes, including in  
26          the term "farm products" also cotton, tobacco,  
27          logs, bark, pulpwood, tannic acid wood and other  
28          forest products grown, produced, or processed by  
29          the farmer.
- 30          (5) The Division shall issue necessary rules and  
31          regulations providing for the recall, transfer,  
32          exchange or cancellation of "farmer" plates, when  
33          vehicle bearing such plates shall be sold or  
34          transferred.
- 35          (5a) Notwithstanding any other provision of this  
36          Chapter, license plates issued pursuant to this  
37          subsection at the farmer rate may be purchased for  
38          any three-month period at one fourth of the annual  
39          fee.
- 40          (6) There shall be paid to the Division annually as of  
41          the first of January, the following fees for  
42          "wreckers" as defined under G.S. 20-4.01(50): a  
43          wrecker fully equipped weighing 7,000 pounds or  
44          less, seventy-five dollars (\$75.00); wreckers

1 weighing in excess of 7,000 pounds shall pay one  
2 hundred forty-eight dollars (\$148.00). Fees to be  
3 prorated quarterly. Provided, further, that nothing  
4 herein shall prohibit a licensed dealer from using  
5 a dealer's license plate to tow a vehicle for a  
6 customer."

7 Sec. 9. G.S. 20-88(f) is repealed.

8 Sec. 10. G.S. 20-91 reads as rewritten:

9 "~~§ 20-91. Records, applications, reports or returns required of~~  
10 ~~carriers of passengers and property. Audit of vehicle~~  
11 ~~registrations under the International Registration Plan.~~

12 ~~(a) Individual motor vehicle mileage records, motor vehicle~~  
13 ~~equipment records, motor vehicle inventory records and motor~~  
14 ~~vehicle revenue records shall be prepared and maintained in~~  
15 ~~accordance with rules and regulations issued by the Commissioner.~~

16 ~~Applications for licensing or registering motor vehicles in~~  
17 ~~North Carolina shall be applied for on forms approved by the~~  
18 ~~Commissioner and filed in accordance with rules and regulations~~  
19 ~~issued by the Commissioner. Applications for licensing or~~  
20 ~~registering motor vehicles in North Carolina are accepted subject~~  
21 ~~to audit.~~

22 ~~(b) It shall be the duty of the Commissioner, by competent~~  
23 ~~auditors, to have the books, records, tax returns, applications,~~  
24 ~~and any and all other pertinent records or documents of any~~  
25 ~~registrant licensing or registering motor vehicles, or that are~~  
26 ~~required to license or register motor vehicles, under the~~  
27 ~~provisions of this Article, audited for the purpose of~~  
28 ~~determining whether such registrant is maintaining acceptable~~  
29 ~~records, filing correct applications and paying correct~~  
30 ~~registration fees or taxes as required.~~

31 ~~Every registrant subject to licensing or registration and audit~~  
32 ~~under the provisions of this Article shall retain all pertinent~~  
33 ~~licensing and registration documents, books, records, tax~~  
34 ~~returns, applications and all supporting records and documents on~~  
35 ~~which an application for licensing or registration is based for a~~  
36 ~~period of three full registration years. These records shall at~~  
37 ~~all times during the business hours of the day be subject to~~  
38 ~~audit. The Division may audit a person who registers or is~~  
39 ~~required to register a vehicle under the International~~  
40 ~~Registration Plan to determine if the person has paid the~~  
41 ~~registration fees due under this Article. A person who registers~~  
42 ~~a vehicle under the International Registration Plan must keep any~~  
43 ~~records used to determine the information provided to the~~  
44 ~~Division when registering the vehicle. The records must be kept~~

1 for three years after the date of the registration to which the  
2 records apply. The Division may examine these records during  
3 business hours. If it is determined these the records are not  
4 located in North Carolina and it becomes necessary for the  
5 auditors to travel to the place where such records are normally  
6 kept, an auditor must travel to the location of the records, the  
7 registrant shall reimburse North Carolina for per diem and travel  
8 expense incurred in the performance of such the audit. Where If  
9 more than one registrant is audited on the same out-of-state  
10 trip, the per diem and travel expense may be prorated.

11 The Commissioner may enter into reciprocal audit agreements  
12 with other agencies of this State or agencies of another ~~state or~~  
13 ~~states~~, jurisdiction for the purpose of conducting joint audits  
14 of any registrant subject to audit under this ~~Article~~ section.

15 (c) If an audit is conducted and it becomes necessary to assess  
16 the registrant for deficiencies in registration fees or taxes due  
17 based on the audit, the assessment will be determined based on  
18 the schedule of rates prescribed for that registration year,  
19 adding thereto and as a part thereof an amount equal to five  
20 percent (5%) of the tax to be collected. If, during an audit, it  
21 is determined that:

- 22 (1) A registrant failed or refused to make acceptable  
23 records available for audit as provided by law; or  
24 (2) A registrant misrepresented, falsified or concealed  
25 ~~his~~ records, then all plates and cab cards shall be  
26 deemed to have been issued erroneously and are  
27 subject to cancellation. The Commissioner may  
28 assess the registrant for an additional percentage  
29 up to one hundred percent (100%) North Carolina  
30 registration fees at the rate prescribed for that  
31 registration year, adding thereto and as a part  
32 thereof an amount equal to five percent (5%) of the  
33 tax to be collected. The Commissioner may cancel  
34 all registration and reciprocal privileges.

35 As a result of an audit, no assessment shall be issued and no  
36 claim for refund shall be allowed which is in an amount of less  
37 than ten dollars (\$10.00).

38 The notice of any assessments will be sent to the registrant by  
39 registered or certified mail at the address of the registrant as  
40 it appears in the records of the Division of Motor Vehicles in  
41 Raleigh. The notice, when sent in accordance with the  
42 requirements indicated above, will be sufficient regardless of  
43 whether or not it was ever received.

1 The failure of any registrant to pay any additional  
2 registration fees or tax within 30 days after the billing date,  
3 shall constitute cause for revocation of registration license  
4 plates, cab cards and reciprocal privileges.

5 ~~(d) Except in accordance with proper judicial order, or as~~  
6 ~~otherwise provided by law, it shall be unlawful for the~~  
7 ~~Commissioner of Motor Vehicles, any deputy, assistant, agent,~~  
8 ~~clerk, other officer, employee, or former officer or employee, to~~  
9 ~~divulge or make known in any manner the amount of tax paid by any~~  
10 ~~carrier of passengers or carrier of property as set forth or~~  
11 ~~disclosed in any application, report or return required in~~  
12 ~~remitting said tax, or as otherwise disclosed. Nothing in this~~  
13 ~~section shall be construed to prohibit the publication of~~  
14 ~~statistics, so classified as to prevent the identification of~~  
15 ~~particular applications, reports or returns, and the items~~  
16 ~~thereof; the inspection of such applications, reports or returns~~  
17 ~~by the Governor, Attorney General, Utilities Commissioner, or~~  
18 ~~their or its duly authorized representatives; or the inspection~~  
19 ~~by a legal representative of the State of the application, report~~  
20 ~~or return of any carrier of passengers or carrier of property~~  
21 ~~which shall bring an action to set aside or review the tax based~~  
22 ~~thereon, or against which action or proceeding has been~~  
23 ~~instituted to recover any tax or penalty imposed by this Article.~~  
24 ~~Any person, officer, agent, clerk, employee, or former officer or~~  
25 ~~employee violating the provisions of this section shall be guilty~~  
26 ~~of a misdemeanor. Nothing in this subsection or in any other law~~  
27 ~~shall prevent the exchange of information between the Division of~~  
28 ~~Motor Vehicles and the Department of Revenue when such~~  
29 ~~information is needed by either or both of said departments for~~  
30 ~~the purposes of properly enforcing the laws with the~~  
31 ~~administration of which either or both of said departments is~~  
32 ~~charged."~~

33 Sec. 11. G.S. 20-92 is repealed.

34 Sec. 12. G.S. 20-99(a) reads as rewritten:

35 "(a) If any tax imposed by this Chapter, or any other tax  
36 levied by the State and payable to the Commissioner of Motor  
37 Vehicles, or any portion of such tax, be not paid within 30 days  
38 after the same becomes due and payable, and after the same has  
39 been assessed, the Commissioner of Motor Vehicles shall issue an  
40 order under his hand and official seal, directed to the sheriff  
41 of any county of the State, commanding him to levy upon and sell  
42 the real and personal property of the taxpayer found within his  
43 county for the payment of the amount thereof, with the added  
44 penalties, additional taxes, interest, and cost of executing the

1 same, and to return to the Commissioner of Motor Vehicles the  
2 money collected by virtue thereof within a time to be therein  
3 specified, not less than 60 days from the date of the order. The  
4 said sheriff shall, thereupon, proceed upon the same in all  
5 respects with like effect and in the same manner prescribed by  
6 law in respect to executions issued against property upon  
7 judgments of a court of record, and shall be entitled to the same  
8 fees for his services in executing the order, to be collected in  
9 the same manner. ~~Upon the issuance of said order to the sheriff,~~  
10 ~~in the event the delinquent taxpayer shall be the operator of any~~  
11 ~~common carrier of passengers or common carrier of property~~  
12 ~~vehicle, the franchise certificate issued to such operator shall~~  
13 ~~become null and void and shall be canceled by the Utilities~~  
14 ~~Commissioner, and it shall be unlawful for any such common~~  
15 ~~carrier of passengers or the operator of any common carrier of~~  
16 ~~property vehicle to continue the operation under said franchise."~~

17 Sec. 13. G.S. 20-101 reads as rewritten:

18 "§ 20-101. For-hire Certain business vehicles to be marked.

19 ~~All motor vehicles licensed as common carriers or contract~~  
20 ~~carriers of passengers or property, exempt for-hire motor~~  
21 ~~carriers, and for-hire passenger-carrying motor carriers of~~  
22 ~~greater than fifteen-passenger capacity shall have printed on~~  
23 ~~each side of the vehicle in letters not less than three inches in~~  
24 ~~height the name and home address of the owner, the certificate~~  
25 ~~number, permit number, or exemption number under which said~~  
26 ~~vehicle is operated, and such other identification as may be~~  
27 ~~required and approved by the Utilities Commission~~ A motor vehicle  
28 that is subject to 49 U.S.C. Part 390, the federal motor carrier  
29 safety regulations, must be marked as required by that Part. A  
30 motor vehicle that is not subject to those regulations, has a  
31 gross vehicle weight rating of more than 10,000 pounds, and is  
32 used in intrastate commerce must have the name of the owner  
33 printed on the side of the vehicle in letters not less than three  
34 inches in height."

35 Sec. 14. G.S. 20-113 is repealed.

36 Sec. 15. G.S. 20-116(e) reads as rewritten:

37 "(e) Except as provided by G.S. 20-115.1, no combination of  
38 vehicles coupled together shall consist of more than two units  
39 and no such combination of vehicles shall exceed a total length  
40 of 60 feet inclusive of front and rear bumpers, subject to the  
41 following exceptions: Said length limitation shall not apply to  
42 vehicles operated in the daytime when transporting poles, pipe,  
43 machinery or other objects of a structural nature which cannot  
44 readily be dismembered, nor to such vehicles transporting such

1 objects operated at nighttime by a public utility when required  
2 for emergency repair of public service facilities or properties,  
3 but in respect to such night transportation every such vehicle  
4 and the load thereon shall be equipped with a sufficient number  
5 of clearance lamps on both sides and marker lamps upon the  
6 extreme ends of said projecting load to clearly mark the  
7 dimensions of such load: Provided that vehicles designed and used  
8 exclusively for the transportation of motor vehicles shall be  
9 permitted an overhang tolerance front or rear not to exceed five  
10 feet. Provided, that wreckers in an emergency may tow a  
11 combination tractor and trailer to the nearest feasible point for  
12 repair and/or storage: Provided, however, that a combination of a  
13 house trailer used as a mobile home, together with its towing  
14 vehicle, shall not exceed a total length of 55 feet exclusive of  
15 front and rear bumpers. Provided further, that the said  
16 limitation that no combination of vehicles coupled together shall  
17 consist of more than two units shall not apply to trailers not  
18 exceeding three in number drawn by a motor vehicle used by  
19 municipalities for the removal of domestic and commercial refuse  
20 and street rubbish, but such combination of vehicles shall not  
21 exceed a total length of 50 feet inclusive of front and rear  
22 bumpers. Provided further, that the said limitation that no  
23 combination of vehicles coupled together shall consist of more  
24 than two units shall not apply to a combination of vehicles  
25 coupled together by a saddle mount device used to transport motor  
26 vehicles in a driveway service when no more than three saddle  
27 mounts are used and provided further, that equipment used in said  
28 combination is approved by the safety regulations of the  
29 Interstate Commerce Commission Federal Highway Administration and  
30 the safety regulations of the North Carolina Division of Motor  
31 Vehicles and the Department of Transportation, rules of the  
32 Division."

33           Sec. 16. G.S. 20-123(a) reads as rewritten:  
34       "(a) ~~No motor vehicle shall be driven upon any highway drawing~~  
35 ~~or having attached thereto more than one trailer or semitrailer.~~  
36 ~~Provided that this provision shall not apply to trailers not~~  
37 ~~exceeding three in number drawn by a motor vehicle used by~~  
38 ~~municipalities for the removal of domestic and commercial refuse~~  
39 ~~and street rubbish, but such combination of vehicles shall not~~  
40 ~~exceed a total length of 50 feet inclusive of front and rear~~  
41 ~~bumpers: Provided that this provision shall not apply to a~~  
42 ~~combination of vehicles coupled together by a saddle mount device~~  
43 ~~used to transport motor vehicles in a driveway service when no~~  
44 ~~more than two saddle mounts are used and provided further that~~

~~1 equipment used in said combination is approved by the safety  
2 regulations of the Interstate Commerce Commission and the safety  
3 regulations of the North Carolina Division of Motor Vehicles and  
4 the Department of Transportation. Nothing herein shall The  
5 limitations in G.S. 20-116 on combination vehicles do not  
6 prohibit the towing of farm trailers not exceeding three in  
7 number nor exceeding a total length of 50 feet during the period  
8 from one-half hour before sunrise until one-half hour after  
9 sunset ~~provided that when a red flag of at least 12 inches square~~  
10 ~~shall be~~ is prominently displayed on the last vehicle. The towing  
11 of farm trailers and equipment as herein permitted shall not be  
12 applicable allowed by this subsection does not apply to  
13 interstate or federal numbered highways."~~

14 Sec. 17. G.S. 20-130.1(b)(13) reads as rewritten:

15 "(13) ~~Any lights that may be prescribed by the~~  
16 ~~Interstate Commerce Commission; A light~~  
17 required by the Federal Highway  
18 Administration;".

19 Sec. 18. G.S. 20-215.1 reads as rewritten:

20 "§ 20-215.1. Definitions.

21 ~~Unless the context otherwise requires, the following terms and~~  
22 ~~phrases shall have, for the purpose of this Article, the~~  
23 ~~following meaning:~~ The following definitions apply in this  
24 Article:

25 (1) ~~'Migratory Migratory farm worker' means any worker.~~  
26 ~~-- An individual being transported by motor carrier~~  
27 ~~to or from employment who is employed in~~  
28 ~~agriculture.~~

29 (2) ~~'Motor Motor carrier of migratory farm workers'~~  
30 ~~means any person, firm or corporation workers. -- A~~  
31 ~~person who or which for compensation transports at~~  
32 ~~any one time in North Carolina five or more~~  
33 ~~migratory farm workers to or from their employment~~  
34 ~~by any motor vehicle, other than a passenger~~  
35 ~~automobile or station wagon, except a wagon. The~~  
36 ~~term does not include any of the following:~~

37 a. A migratory farm worker who is transporting  
38 himself or his or her immediate family, but  
39 does not include any "common carrier"  
40 certified family.

41 b. A carrier of passengers regulated by the North  
42 Carolina Utilities Commission or the  
43 Interstate Commerce Commission; provided, the  
44 provisions of this Article shall not apply to

1                    the United States Department of  
2                    Transportation.

3                    c. The transportation of migratory farm workers  
4                    on a vehicle owned by a farmer when such the  
5                    migratory farm workers are employed or to be  
6                    employed by the farmer to work on his own a  
7                    farm or farm owned or controlled by him, the  
8                    farmer.

9                    (3) Repealed by Session Laws 1973, c. 1330, s. 39."  
10                    Sec. 19. G.S. 20-279.32 reads as rewritten:

11                    "§ 20-279.32. Exceptions.

12                    ~~This Article, except its provisions as to the filing of proof~~  
13 ~~of financial responsibility by a common carrier and its drivers,~~  
14 ~~does not apply to any vehicle operated under a permit or~~  
15 ~~certificate of convenience or necessity issued by the North~~  
16 ~~Carolina Utilities Commission, or by the Interstate Commerce~~  
17 ~~Commission, if public liability and property damage insurance for~~  
18 ~~the protection of the public is required to be carried upon it.~~  
19 Article does not apply to a motor vehicle registered under G.S.  
20 20-382 or G.S. 20-382.1 by a for-hire motor carrier. This Article  
21 does not apply to any motor vehicle owned by the State of North  
22 Carolina, nor does it apply to the operator of a vehicle owned by  
23 the State of North Carolina who becomes involved in an accident  
24 while operating the state-owned vehicle if the Commissioner  
25 determines that the vehicle at the time of the accident was  
26 probably being operated in the course of the operator's  
27 employment as an employee or officer of the State. This Article  
28 does not apply to any motor vehicle owned by a county or  
29 municipality of the State of North Carolina, nor does it apply to  
30 the operator of a vehicle owned by a county or municipality of  
31 the State of North Carolina who becomes involved in an accident  
32 while operating such vehicle in the course of the operator's  
33 employment as an employee or officer of the county or  
34 municipality. This Article does not apply to the operator of a  
35 vehicle owned by a political subdivision, other than a county or  
36 municipality, of the State of North Carolina who becomes involved  
37 in an accident while operating such vehicle if the Commissioner  
38 determines that the vehicle at the time of the accident was  
39 probably being operated in the course of the operator's  
40 employment as an employee or officer of the subdivision providing  
41 that the Commissioner finds that the political subdivision has  
42 waived any immunity it has with respect to such accidents and has  
43 in force an insurance policy or other method of satisfying claims  
44 which may arise out of the accident. This Article does not apply

1 to any motor vehicle owned by the federal government, nor does it  
2 apply to the operator of a motor vehicle owned by the federal  
3 government who becomes involved in an accident while operating  
4 the government-owned vehicle if the Commissioner determines that  
5 the vehicle at the time of the accident was probably being  
6 operated in the course of the operator's employment as an  
7 employee or officer of the federal government."

8           Sec. 20. G.S. 20-317 reads as rewritten:

9 "§ 20-317. Insurance required by any other law; certain operators  
10 not affected.

11 This Article shall not be held to apply to or affect policies  
12 of automobile insurance against liability which may now or  
13 hereafter be required by any other law of this State, and such  
14 policies, if they contain an agreement or are endorsed to conform  
15 to the requirements of this Article, may be certified as proof of  
16 financial responsibility under this Article; ~~provided, however,~~  
17 ~~that nothing contained in this Article shall affect operators of~~  
18 ~~motor vehicles that are now or hereafter required to furnish~~  
19 ~~evidence of insurance or financial responsibility to the North~~  
20 ~~Carolina Utilities Commission or the Interstate Commerce~~  
21 ~~Commission or both, but to the extent that any insurance policy,~~  
22 ~~bond or other agreement filed with or certified to the North~~  
23 ~~Carolina Utilities Commission or Interstate Commerce Commission~~  
24 ~~as evidence of financial responsibility affords less protection~~  
25 ~~to the public than the financial responsibility required to be~~  
26 ~~certified to the Division of Motor Vehicles under this Article~~  
27 ~~as a condition precedent to registration of motor vehicles, the~~  
28 ~~amounts, provisions and terms of such policy, bond or other~~  
29 ~~agreement so certified shall be deemed to be modified to conform~~  
30 ~~to the financial responsibility required to be proved under this~~  
31 ~~Article as a condition precedent to registration of motor~~  
32 ~~vehicles in this State. It is the intention of this section to~~  
33 ~~require owners of self-propelled motor vehicles registered in~~  
34 ~~this State and operated under permits from the North Carolina~~  
35 ~~Utilities Commission or the Interstate Commerce Commission to~~  
36 ~~show and maintain proof of financial responsibility which is at~~  
37 ~~least equal to the proof of financial responsibility required of~~  
38 ~~other owners of self-propelled motor vehicles registered in this~~  
39 ~~State.~~ This Article applies to vehicles of motor  
40 carriers required to register with the Division under G.S. 20-382  
41 or G.S. 20-382. only to the extent that the amount of financial  
42 responsibility required by this Article exceeds the amount  
43 required by the United States Department of Transportation."

44           Sec. 21. G.S. 20-376 reads as rewritten:

## 1 "§ 20-376. Definitions.

2 ~~As used in this Article, The following definitions apply in~~  
3 ~~this Article:~~

- 4 ~~(1) "Certificate" means a certificate of public~~  
5 ~~convenience and necessity issued by the North~~  
6 ~~Carolina Utilities Commission pursuant to the~~  
7 ~~provisions of Chapter 62 to a common carrier by~~  
8 ~~motor vehicle.~~
- 9 ~~(2) "Certificate of Exemption" means a certificate~~  
10 ~~issued by the Division authorizing transportation~~  
11 ~~services which are exempt from economic regulations~~  
12 ~~under the Public Utilities Act.~~
- 13 ~~(3) Repealed by Session Laws 1993 (Reg. Sess., 1994),~~  
14 ~~c. 621, s. 5.~~
- 15 ~~(4) "Common carrier by motor vehicle" means any person~~  
16 ~~which holds itself out to the general public to~~  
17 ~~engage in the transportation by motor vehicle in~~  
18 ~~intrastate commerce of persons or property or any~~  
19 ~~class or classes thereof for compensation, whether~~  
20 ~~over regular or irregular routes, except as~~  
21 ~~exempted in G.S. 62-260.~~
- 22 ~~(5) "Contract carrier by motor vehicle" means any~~  
23 ~~person which, under an individual contract or~~  
24 ~~agreement with another person and with such~~  
25 ~~additional persons as may be approved by the North~~  
26 ~~Carolina Utilities Commission, engages in the~~  
27 ~~transportation other than the transportation~~  
28 ~~referred to in subdivision (4) of this section, by~~  
29 ~~motor vehicle of persons or property in intrastate~~  
30 ~~commerce for compensation, except as exempted in~~  
31 ~~G.S. 62-260.~~
- 32 ~~(6) Repealed by Session Laws 1993 (Reg. Sess., 1994),~~  
33 ~~c. 621, s. 5.~~
- 34 ~~(7) "Exempt carrier" means any person providing~~  
35 ~~transportation by motor vehicle for compensation~~  
36 ~~which is declared to be exempt from economic~~  
37 ~~regulation by the North Carolina Utilities~~  
38 ~~Commission or the Interstate Commerce Commission.~~
- 39 ~~(8) "For-hire carrier" means any person engaged in the~~  
40 ~~transportation of persons or property by motor~~  
41 ~~vehicle for compensation.~~
- 42 ~~(9) "Foreign commerce" means commerce between any place~~  
43 ~~in the United States and any place in a foreign~~

- 1 country, or between places in the United States  
2 through any foreign country.
- 3 ~~(10) through (12) Repealed by Session Laws 1993 (Reg.~~  
4 ~~Sess., 1994), c. 621, s. 5.~~
- 5 ~~(13) "Interstate commerce" means commerce between any~~  
6 ~~place in a state and any place in another state or~~  
7 ~~between places in the same state through another~~  
8 ~~state.~~
- 9 ~~(14) "Intrastate commerce" means commerce between points~~  
10 ~~and over a route or within a territory wholly~~  
11 ~~within this State, which commerce is not a part of~~  
12 ~~a prior or subsequent movement to or from points~~  
13 ~~outside of this State in interstate or foreign~~  
14 ~~commerce, and includes all transportation within~~  
15 ~~this State for compensation in interstate or~~  
16 ~~foreign commerce which has been exempted by~~  
17 ~~Congress from federal regulation.~~
- 18 ~~(15) "Intrastate operations" means the transportation of~~  
19 ~~persons or property for compensation in intrastate~~  
20 ~~commerce.~~
- 21 ~~(16) "Motor carrier" means both a for-hire carrier by~~  
22 ~~motor vehicle and a private carrier by motor~~  
23 ~~vehicle.~~
- 24 ~~(17), (18) Repealed by Session Laws 1993 (Reg.~~  
25 ~~Sess., 1994), c. 621, s. 5.~~
- 26 ~~(19) "Permit" means a permit issued by the North~~  
27 ~~Carolina Utilities Commission pursuant to the~~  
28 ~~provisions of Chapter 62 to a contract carrier by~~  
29 ~~motor vehicle.~~
- 30 ~~(20) Repealed by Session Laws 1993 (Reg. Sess., 1994),~~  
31 ~~c. 621, s. 5.~~
- 32 ~~(21) "Private carrier" means any person not included in~~  
33 ~~the definitions of common carrier or contract~~  
34 ~~carrier, which transports in intrastate commerce in~~  
35 ~~its own vehicle or vehicles property of which such~~  
36 ~~person is the owner, lessee, or bailee, when such~~  
37 ~~transportation is for the purpose of sale, lease,~~  
38 ~~rent or bailment, or when such transportation is~~  
39 ~~purely an incidental adjunct to some other~~  
40 ~~established private business owned and operated by~~  
41 ~~such person other than the transportation of~~  
42 ~~property for compensation.~~
- 43 ~~(22) Repealed by Session Laws 1993 (Reg. Sess., 1994),~~  
44 ~~c. 621, s. 5.~~

- 1           "(1) Federal safety regulations. -- The federal motor  
2           carrier safety regulations contained in 49 U.S.C.  
3           Subchapter B, Parts 350 through 399.  
4           (2) Foreign commerce. -- Commerce between any of the  
5           following:  
6           a. A place in the United States and a place in a  
7           foreign country.  
8           b. Places in the United States through any  
9           foreign country.  
10          (3) Interstate commerce. -- Commerce between any of the  
11          following:  
12          a. A place in a state and a place in another  
13          state.  
14          b. Places in the same state through another  
15          state.  
16          (4) Intrastate commerce. -- Commerce that is between  
17          points and over a route wholly within this State  
18          and is not part of a prior or subsequent movement  
19          to or from points outside of this State in  
20          interstate or foreign commerce."

21          Sec. 22. G.S. 20-378 is repealed.

22          Sec. 23. G.S. 20-379 reads as rewritten:

23       "§ 20-379. To investigate motor carriers under its control;  
24       visitation and inspection. Division to audit motor carriers for  
25       compliance.

26       (a) The Division shall from time to time visit the places of  
27       business and investigate the books and papers of all motor  
28       carriers to ascertain if all the orders, rules and regulations of  
29       the North Carolina Utilities Commission and the Division have  
30       been complied with, and shall have full power and authority to  
31       examine all officers, agents and employees of such motor  
32       carriers, and all other persons, under oath or otherwise, and to  
33       compel the production of papers and the attendance of witnesses  
34       to obtain the information necessary for carrying into effect and  
35       otherwise enforcing the provisions of this Article and Chapter 62  
36       of the General Statutes.

37       (b) Officers of the Division may during all reasonable hours  
38       enter upon any premises occupied by any motor carrier for the  
39       purpose of making the examinations and tests and exercising any  
40       power provided for in this Article and in Chapter 62 of the  
41       General Statutes, and may set up and use on such premises any  
42       apparatus and appliances necessary therefor. Such motor carrier  
43       shall have the right to be represented at the making of such  
44       examinations, tests and inspections.

1 The Division must periodically audit each motor carrier to  
2 determine if the carrier is complying with this Article. In  
3 conducting the audit, the Division may examine a person under  
4 oath, compel the production of papers and the attendance of  
5 witnesses, and copy a paper for use in the audit. An employee of  
6 the Division may enter the premises of a motor carrier during  
7 reasonable hours to enforce this Article. When on the premises  
8 of a motor carrier, an employee of the Division may set up and  
9 use equipment needed to make the tests required by this Article."

10 Sec. 24. G.S. 20-380 reads as rewritten:

11 "~~§ 20-380. To~~ Division may investigate accidents involving motor  
12 carriers; to carriers and promote general safety program.

13 The Division may conduct a program of accident prevention and  
14 public safety covering all motor carriers with special emphasis  
15 on highway safety and transport safety and may investigate the  
16 causes of any accident on a highway involving a motor carrier.  
17 Any information obtained ~~upon such in an~~ investigation shall be  
18 reduced to writing and a report thereof filed in the office of  
19 the Division, which shall be subject to public inspection but  
20 such report shall not be admissible in evidence in any civil or  
21 criminal proceeding arising from such accident. The Division may  
22 adopt rules ~~and regulations~~ for the safety of the public as  
23 affected by motor carriers and the safety of motor carrier  
24 employees. The Division shall cooperate with and coordinate its  
25 activities for motor carriers with other ~~programs of the North~~  
26 ~~Carolina Utilities Commission, the North Carolina Insurance~~  
27 ~~Department, the North Carolina Industrial Commission and other~~  
28 agencies and organizations engaged in the promotion of highway  
29 safety and employee safety."

30 Sec. 25. G.S. 20-381 reads as rewritten:

31 "~~§ 20-381. Additional Specific~~ powers and duties of Division  
32 applicable to motor vehicles; carriers.

33 The Division ~~is hereby vested with~~ has the following powers  
34 and ~~duties; duties concerning motor carriers:~~

35 (1) To prescribe qualifications and maximum hours of  
36 service of drivers and their helpers, ~~and rules~~  
37 regulating safety of helpers.

38 (1a) To set safety standards for operation and  
39 equipment; and in the interest of uniformity of  
40 intrastate and interstate rules and regulations  
41 applicable within the State with respect to maximum  
42 hours of service of vehicle drivers and their  
43 helpers, and safety of operation and equipment, the  
44 Division may adopt and enforce the rules and

1 ~~regulations adopted and promulgated by the United~~  
2 ~~States Department of Transportation with respect~~  
3 ~~thereto, insofar as it finds the same to be~~  
4 ~~practical and advantageous for application in this~~  
5 ~~State and not in conflict with this Article. In~~  
6 ~~order to promote safety of operation of motor~~  
7 ~~carriers, the Division may avail itself of the~~  
8 ~~assistance of any other agency of the State having~~  
9 ~~special knowledge of such matters and it may make~~  
10 such vehicles of motor carriers engaged in foreign,  
11 interstate, or intrastate commerce over the  
12 highways of this State and for the safe operation  
13 of these vehicles. The Division may stop and  
14 inspect a vehicle to determine if it is in  
15 compliance with these standards and may conduct any  
16 investigations and tests as may be deemed it finds  
17 necessary to promote the safety of equipment and  
18 the safe operation on the highway of vehicles upon  
19 the highways. these vehicles.

20 (1a) To enforce this Article, rules adopted under this  
21 Article, and the federal safety regulations.

22 ~~(2) The Division and its duly authorized inspectors and~~  
23 ~~agents shall have authority at any time to To enter~~  
24 ~~upon the premises of any a motor carrier, subject~~  
25 ~~to the provisions of this Article, for the purpose~~  
26 ~~of inspecting any carrier to inspect a motor~~  
27 ~~vehicle and or any equipment used by such the motor~~  
28 ~~carriers in the transportation of carrier in~~  
29 ~~transporting passengers and property, or property~~  
30 ~~and property.~~

31 (2a) To prohibit the use by any a motor carrier of any  
32 motor vehicle or parts thereof or motor vehicle  
33 equipment thereon adjudged by such agents and  
34 inspectors to be the Division finds to be unsafe  
35 for use in the transportation of passengers and or  
36 property upon the public highways of this State,  
37 and when such agents or inspectors shall discover  
38 any motor vehicle of such motor carrier on a  
39 highway. If an agent of the Division finds a motor  
40 vehicle of a motor carrier in actual use upon the  
41 highways in the transportation of passengers and or  
42 property to be unsafe or any parts thereof or any  
43 equipment thereon to be unsafe, such agents or  
44 inspectors may, if they are unsafe and is of the

1 opinion that further use of such vehicle, parts or  
2 equipment are imminently dangerous, the agent may  
3 ~~stop such vehicle and~~ require the operator thereof  
4 to discontinue its use and to substitute therefor a  
5 safe vehicle, parts or equipment at the earliest  
6 possible time and place, having regard for both the  
7 convenience and the safety of the passengers and or  
8 property. When an inspector or agent stops a motor  
9 vehicle on the highway, under authority of this  
10 section, and the motor vehicle is in operative  
11 condition and its further movement is not dangerous  
12 to the passengers and or property and or to the  
13 users of the highways, it shall be the duty of the  
14 inspector or agent to guide the vehicle to the  
15 nearest point of substitution or correction of the  
16 defect. Such agents or inspectors shall also have  
17 the right to stop any motor vehicle which is being  
18 used upon the public highways for the  
19 transportation of passengers and or property by a  
20 motor carrier subject to the provisions of this  
21 Article and to eject therefrom any driver or  
22 operator who shall be operating or be in charge of  
23 such motor vehicle while under the influence of  
24 ~~intoxicating liquors.~~ alcoholic beverages. It  
25 shall be the duty of all inspectors and agents of  
26 the Division to make a written report, upon a form  
27 prescribed by the Division, of inspections of all  
28 motor equipment and a copy of each such written  
29 report, disclosing defects in such equipment,  
30 shall be served promptly upon the motor carrier  
31 operating the same, either in person by the  
32 inspector or agent or by mail. Such agents and  
33 inspectors shall also make and serve a similar  
34 written report in cases where a motor vehicle is  
35 operated in violation of ~~the laws of this State or~~  
36 ~~of the orders, rules and regulations of the North~~  
37 ~~Carolina Utilities Commission or Division.~~ this  
38 Chapter.

- 39 (3) To relieve the highways of all undue burdens and  
40 safeguard traffic thereon by ~~promulgating~~ adopting  
41 and enforcing reasonable rules, regulations ~~rules~~  
42 and orders designed and calculated to minimize the  
43 dangers attending transportation on the highways of  
44 all commodities including explosives or highway

1 flammable or combustible liquids, substances or  
2 gases."

3 Sec. 26. G.S. 20-382 reads as rewritten:

4 "§ 20-382. Registration of for-hire interstate motor carriers  
5 and verification that their for-hire vehicles are insured.

6 (a) Registration. -- A for-hire motor carrier may not operate  
7 a for-hire motor vehicle in interstate commerce in this State  
8 unless the motor carrier has complied with all of the following  
9 requirements:

10 (1) Registered its operations with the Division by  
11 doing one of the following:

12 a. Filing a copy of the certificate of authority  
13 issued to it by the ~~Interstate Commerce~~  
14 ~~Commission~~ United States Department of  
15 Transportation allowing it to operate in this  
16 State and any amendments to that authority.

17 b. Certifying to the Division that it carries  
18 only items that are not regulated by the  
19 ~~Interstate Commerce Commission~~, United States  
20 Department of Transportation.

21 (2) Verified, in accordance with subsection (b) or (c)  
22 of this section, that it has insurance for each  
23 for-hire motor vehicle it operates.

24 (3) Paid the fees set in G.S. 20-385.

25 (b) Insurance Verification for ~~ICC-Regulated~~ Federally  
26 Regulated Motor Carriers. -- A for-hire motor carrier that  
27 operates a for-hire motor vehicle in interstate commerce in this  
28 State, is regulated by the ~~Interstate Commerce Commission~~, United  
29 States Department of Transportation, and designates this State as  
30 its registration state must obtain a receipt from the Division  
31 verifying that each for-hire motor vehicle the motor carrier  
32 operates in any jurisdiction is insured. To obtain a receipt, the  
33 motor carrier must apply annually to the Division during the  
34 application period and state the number of for-hire motor  
35 vehicles the motor carrier intends to operate in each  
36 jurisdiction during the next calendar year. The certificate of  
37 authority issued to the motor carrier by the ~~Interstate Commerce~~  
38 ~~Commission~~ United States Department of Transportation is proof  
39 that the motor carrier has insurance for its for-hire motor  
40 vehicles.

41 The motor carrier must keep a copy of the receipt in each of  
42 its for-hire motor vehicles. The motor carrier may transfer the  
43 receipt from one for-hire motor vehicle to another as long as the  
44 total number of for-hire motor vehicles operated in any

1 jurisdiction and in all jurisdictions does not exceed the number  
2 stated on the receipt.

3 A motor carrier may operate more for-hire motor vehicles in a  
4 jurisdiction than stated in its most recent annual application  
5 only if the motor carrier files another application with the  
6 Division and obtains a receipt stating the increased number. A  
7 motor carrier that obtains a receipt for an increased number of  
8 for-hire motor vehicles must put a copy of the new receipt in  
9 each of its for-hire motor vehicles. The new receipt replaces  
10 rather than supplements the previous receipt.

11 (c) Insurance Verification for Nonregulated Motor Carriers. --  
12 A for-hire motor carrier that operates a for-hire motor vehicle  
13 in interstate commerce in this State and is exempt from  
14 regulation by the ~~Interstate Commerce Commission~~ United States  
15 Department of Transportation must verify to the Division that  
16 each for-hire motor vehicle the motor carrier operates in this  
17 State is insured. To do this, the motor carrier must obtain  
18 annually for each for-hire motor vehicle a cab card approved by  
19 the Commissioner and a North Carolina identification stamp issued  
20 by the Division. To obtain an identification stamp, the motor  
21 carrier must apply annually to the Division during the  
22 application period for an identification stamp for each for-hire  
23 motor vehicle the motor carrier intends to operate in this State  
24 during the next 12-month period beginning February 1.

25 The motor carrier must place the identification stamp on the  
26 cab card and keep the cab card in the for-hire motor vehicle for  
27 which it was issued. An identification stamp is issued for a  
28 specific for-hire motor vehicle and is not transferable from one  
29 for-hire motor vehicle to another.

30 A motor carrier may operate in this State a for-hire motor  
31 vehicle for which it did not obtain an identification stamp  
32 during the most recent annual application period only if it  
33 obtains for that vehicle either a cab card and identification  
34 stamp or an emergency permit. A motor carrier may obtain an  
35 additional identification stamp after the close of the annual  
36 application period by filing an application for it with the  
37 Division. An identification stamp issued after the close of the  
38 annual application period expires the same date as one issued  
39 during the annual application period.

40 A motor carrier may obtain an emergency permit by filing an  
41 application for it with the Division. An emergency permit allows  
42 the motor carrier to operate a for-hire motor vehicle in this  
43 State without a cab card and identification stamp between the

1 time the motor carrier has applied for an identification stamp  
2 and the time the Division issues the identification stamp."

3 Sec. 27. G.S. 20-382.1 reads as rewritten:

4 "§ 20-382.1. Registration of for-hire intrastate motor carriers  
5 and verification that their vehicles are insured.

6 (a) Registration. -- A for-hire motor carrier may not operate  
7 a for-hire motor vehicle in intrastate commerce in this State  
8 unless the motor carrier has complied with all of the following  
9 requirements:

10 (1) Registered its operations with the State ~~by doing~~  
11 ~~one of the following:~~

12 a. ~~Obtaining a certificate or a permit from the~~  
13 ~~North Carolina Utilities Commission, if the~~  
14 ~~motor carrier hauls regulated items.~~

15 b. ~~Obtaining a certificate of exemption from the~~  
16 ~~Division, if the motor carrier hauls only~~  
17 ~~items that are not regulated by the North~~  
18 ~~Carolina Utilities Commission. Division.~~

19 (2) Verified, in accordance with subsection (b) of this  
20 section, that it has insurance for each for-hire  
21 motor vehicle it operates in this State.

22 (3) Paid the fees set in G.S. 20-385.

23 (b) Insurance Verification. -- A for-hire motor carrier that  
24 operates a for-hire vehicle in intrastate commerce in this State  
25 must verify to the Division that each for-hire motor vehicle it  
26 operates in this State is insured. To do this, the motor carrier  
27 must submit an insurance verification form to the Division and  
28 must file annually with the Division a list of the for-hire  
29 vehicles it operates in this State."

30 Sec. 28. G.S. 20-384 reads as rewritten:

31 "§ 20-384. Carriers must comply with safety rules and  
32 regulations. Penalty for certain violations.

33 (a) ~~Scope. -- The Division may adopt highway safety rules for~~  
34 ~~all for-hire motor carrier vehicles and all private carrier~~  
35 ~~vehicles engaged in interstate commerce and intrastate commerce~~  
36 ~~over the highways of North Carolina whether common carriers,~~  
37 ~~contract carriers, exempt carriers, or private carriers.~~

38 (b) ~~Infraction. -- A motor carrier who fails to conduct a~~  
39 ~~safety inspection of a vehicle as required by 49 C.F.R. Part 396,~~  
40 ~~396 of the federal Motor Carrier Safety Regulations, safety~~  
41 ~~regulations or who fails to mark a vehicle that has been~~  
42 ~~inspected as required by that Part commits an infraction and, if~~  
43 ~~found responsible, is liable for a penalty of up to fifty dollars~~  
44 ~~(\$50.00)."~~

1           Sec. 29. G.S. 20-385 reads as rewritten:

2   "**§ 20-385. Fee schedule.**

3   (a) Amounts. --

- 4           (1) Verification by a for-hire motor  
5                carrier of insurance for each for-hire  
6                motor vehicle operated in this State           \$ 1.00  
7           (2) Application by an intrastate motor carrier  
8                for ~~a certificate of exemption~~ registration  
9                with the Division                               25.00  
10          (3) Certification by an interstate motor carrier  
11                that it is not regulated by the ~~ICC~~ United  
12                States Department of Transportation           25.00  
13          (4) Application by an interstate motor carrier  
14                for an emergency permit  
15   10.00.

16  
17   (b) Reciprocal Agreements. -- The fee set in subdivision  
18   (a)(1) of this section does not apply to the verification of  
19   insurance by an interstate motor carrier regulated by the  
20   ~~Interstate Commerce Commission~~ United States Department of  
21   Transportation if the Division had a reciprocal agreement on  
22   November 15, 1991, with another state by which no fee is imposed.  
23   The Division had reciprocal agreements as of that date with the  
24   following states: California, Delaware, Indiana, Maryland,  
25   Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New  
26   Jersey, Pennsylvania, Texas, and Vermont."

27           Sec. 30. G.S. 20-393 reads as rewritten:

28   "**§ 20-393. Disclosure of information by employee of Division**  
29   **unlawful.**

30   It shall be unlawful for any agent or employee of the Division  
31   knowingly and willfully to divulge any fact or information which  
32   may come to his knowledge during the course of any examination or  
33   inspection made under authority of this Article, except to the  
34   Division or as may be directed by the Division or ~~upon approval~~  
35   ~~of a request to the Division by the Utilities Commission~~ or by a  
36   court or judge thereof."

37           Sec. 31. G.S. 20-118(b)(3) reads as rewritten:

38           "(3) The gross weight imposed upon the highway by any  
39                axle group of a vehicle or combination of vehicles  
40                shall not exceed the maximum weight given for the  
41                respective distance between the first and last axle  
42                of the group of axles measured longitudinally to  
43                the nearest foot as set forth in the following  
44                table:

1 Distance		Maximum Weight in Pounds for any Group of Two					or More Consecutive Axles
2 Between							
3 Axles*	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles	
4 4	38000						
5 5	38000						
6 6	38000						
7 7	38000						
8 8 or less	38000	38000					
9 more than 8		38000	42000				
10 9	39000	42500					
11 10	40000	43500					
12 11		44000					
13 12		45000	50000				
14 13		45500	50500				
15 14		46500	51500				
16 15		47000	52000				
17 16		48000	52500	58000			
18 17		48500	53500	58500			
19 18		49500	54000	59000			
20 19		50000	54500	60000			
21 20		51000	55500	60500	66000		
22 21		51500	56000	61000	66500		
23 22		52500	56500	61500	67000		
24 23		53000	57500	62500	68000		
25 24		54000	58000	63000	68500	74000	
26 25		54500	58500	63500	69000	74500	
27 26		55500	59500	64000	69500	75000	
28 27		56000	60000	65000	70000	75500	
29 28		57000	60500	65500	71000	76500	
30 29		57500	61500	66000	71500	77000	
31 30		58500	62000**	66500	72000	77500	
32 31		59000	62500**	67500	72500	78000	
33 32		60000	63500**	68000	73000	78500	
34 33			64000**	68500	74000	79000	
35 34			64500**	69000	74500	80000	
36 35			65500**	70000	75000		
37 36			66000**	70500	75500		
38 37			66500**	71000	76000		
39 38			67500**	72000	77000		
40 39			68000	72500	77500		
41 40			68500	73000	78000		
42 41			69500	73500	78500		
43 42			70000	74000	79000		
44 43			70500	75000	80000		

1	44	71500	75500
2	45	72000	76000
3	46	72500	76500
4	47	73500	77500
5	48	74000	78000
6	49	74500	78500
7	50	75500	79000
8	51	76000	80000
9	52	76500	
10	53	77500	
11	54	78000	
12	55	78500	
13	56	79500	
14	57	80000	

15 \*Distance in Feet Between the Extremes of any Group of Two or  
16 More Consecutive Axles.

17 \*\*See exception in G.S. 20-118(c)(1)."

18 Sec. 32. G.S. 20-135.1 is repealed.

19 Sec. 33. G.S. 20-179.3(b)(1) reads as rewritten:

20 "(1) A person convicted of the offense of impaired  
21 driving under G.S. 20-138.1 is eligible for a  
22 limited driving privilege if:

23 a. At the time of the offense he held either a  
24 valid driver's license or a license that had  
25 been expired for less than one year;

26 b. At the time of the offense he had not within  
27 the preceding seven years been convicted of an  
28 offense involving impaired driving;

29 c. Punishment Level Three, Four, or Five was  
30 imposed for the offense of impaired driving;

31 d. Subsequent to the offense he has not been  
32 convicted of, or had an unresolved charge  
33 lodged against him for, an offense involving  
34 impaired driving; and

35 e. The person has obtained and filed with the  
36 court a substance abuse assessment of the type  
37 specified in G.S. 20-179(m), required by G.S.  
38 20-17.6 for the restoration of a drivers  
39 license.

40 A person whose North Carolina driver's license is  
41 revoked because of a conviction in another  
42 jurisdiction substantially equivalent to impaired  
43 driving under G.S. 20-138.1 is eligible for a  
44 limited driving privilege if he would be eligible

1           for it had the conviction occurred in North  
2           Carolina. Eligibility for a limited driving  
3           privilege following a revocation under G.S. 20-  
4           16.2(d) is governed by G.S. 20-16.2(e1)."  
5       Sec. 34. This act is effective upon ratification.

Explanation of Legislative Proposal 10  
DMV Trucking Deregulation Changes

Recent changes in federal law have made many provisions of Chapter 20 of the General Statutes that relate to motor carriers obsolete. The 1994 federal FAA Authorization Act prohibited states from regulating rates, routes, and services of motor carriers, other than household movers. This prohibition ended the authority of the North Carolina Utilities Commission to regulate most intrastate motor carriers. In response, the 1995 General Assembly enacted Chapter 523 (House Bill 941) of the 1995 Session Laws. That Chapter removed the then unenforceable statutory provisions in the State's public utility law concerning regulation of motor carriers. The 1995 federal ICC Termination Act abolished the federal Interstate Commerce Commission and transferred its remaining duties to the United States Department of Transportation, to be divided between the Federal Highway Administration and a newly created Surface Transportation Board.

This act changes various provisions in Chapter 20 to conform to the federal changes and to make other technical changes. The changes made in response to the recent federal legislation are in Sections 1 through 30. The statutes affected are in numerical order in those sections for ease of location. Technical changes that are unrelated to the deregulation of trucking begin at Section 31. The changes are described below in a section-by-section analysis.

Section 1 rewrites G.S. 20-1 to eliminate obsolete provisions in that statute. The statute was rewritten in 1973 as a transitional provision in the reorganization of government that was occurring then. As part of the reorganization, what was the Department of Motor Vehicles was merged into the Department of Transportation and became a Division of that Department. The text of the section is therefore obsolete. Furthermore, the Utilities Commission no longer has the power to regulate motor carriers and the reference to that power is obsolete. The Division and the Department of Revenue have the authority under G.S. 105-259(b)(7) to exchange information.

Section 2 changes the definition of "common carriers of passengers" that is part of the definition of passenger vehicle. It changes a reference to a franchise certificate to a certificate of authority to match the terminology used in the utilities law and deletes a reference to the transportation of property for the same reason. Under the utilities law, a common carrier of passengers is a bus company (G.S. 62-3(1a)), and the authority granted to the company by a certificate of authority does not address the transportation of property.

Section 3 adds a new definition of motor carrier that parallels the definition of motor carrier under section 13102 of the ICC Termination Act.

Section 4 deletes obsolete definitions of exempt for-hire vehicles, common carrier of property vehicles, private hauler vehicles, and contract carrier of property vehicles. These definitions are all linked to categories of property-hauling trucks regulated by the Utilities Commission; these categories and the regulation by the Utilities Commission no longer exist.

Section 5 deletes a reference in the commercial drivers license law to common and contract carriers and substitutes a reference to motor carriers. There is no longer a distinction between common and contract carriers.

Section 6 repeals G.S. 20-64.1. That statute refers to the revocation of license plates by the Utilities Commission under provisions of law that no longer exist.

Section 7 amends G.S. 20-87(1) to remove references to common carrier, contract carrier, and exempt for-hire passenger vehicles and substitute a generic reference to passenger vehicles operated for compensation. It also deletes obsolete taxicab provisions; G.S. 20-280 requires taxicabs to have financial responsibility and G.S. 160A-304 addresses the regulation of taxicabs by cities and towns.

Section 8 amends G.S. 20-88(b), the schedule of registration weight fees, to delete references to the obsolete categories of private hauler, contract carrier, flat rate common carrier, and exempt for-hire carrier.

Section 9 repeals 20-88(f). Its provisions about the registration of vehicles of nonresidents are unnecessary and it contains an obsolete reference to taxation at the common carrier rate. The amendment made to G.S. 20-88(b) by the previous section of this act substitutes a general rate for the previous common, contract, and exempt rate.

Section 10 amends G.S. 20-91 to reflect its current application as the authority for audits of persons who register vehicles under the International Registration Plan. It changes references to carriers of passengers or property to vehicles registered under the International Registration Plan.

Section 11 repeals a statute, G.S. 20-92, that is unnecessary in part and obsolete in the remaining part. The tax referred to in this section was primarily a gross receipts tax that was imposed as a franchise tax from the 1930's until the last vestige of it was eliminated effective in 1982. The category of common carrier of property no longer exists and even if it did, the revocation of a common carrier plate for failure to pay registration fees could be handled the same as the failure of other vehicles to pay.

Section 12 amends 20-91 to delete references to repeal of franchise issued by Utilities Commission as an enforcement action.

Section 13 rewrites G.S. 20-101 to delete references to the Utilities Commission and to categories of vehicles, such as exempt for-hire vehicles, that no longer exist.

Section 14 repeals G.S. 20-113 because it is obsolete. It refers to qualification under the tax provisions of Chapter 20 for a class of service. The tax provisions and the classifications of services, however, do not exist.

Section 15 deletes a reference in G.S. 20-116(e) to the Interstate Commerce Commission and inserts a reference to the Federal Highway Administration. It also applies the definition of "Division" and "rule".

Section 16 amends G.S. 20-123 to delete portions that are repeated in G.S. 20-116(e) and contain obsolete references to the Interstate Commerce Commission.

Section 17 amends an exception to the prohibition on the use of red lights in vehicles to delete a reference to the abolished Interstate Commerce Commission and substitute a reference to the Federal Highway Administration.

Section 18 revises definitions to apply the term motor carrier of passengers correctly.

Section 19 amends G.S. 20-279.32, the security deposit insurance provisions, to conform the current exception for regulated motor carriers to the deregulated motor carriers. The same group is covered under both the current and revised law.

Section 20 amends the financial responsibility law to conform the current exception for regulated motor carriers to the deregulated motor carriers. The same group is covered under both the current and the revised law.

Section 21 rewrites the definition section for Article 17, Motor Carrier Safety Regulation Unit, to delete now obsolete definitions, to add a definition of federal safety regulations for ease of reference, and to retain the definitions of foreign commerce, interstate commerce, and intrastate commerce. Section 3 of this bill adds definitions of for-hire motor carrier, private motor carrier, and motor carrier to G.S. 20-4.01, the definition section for all of Chapter 20. The definitions in Article 17 stem from the transfer in the early 1980s of part of the responsibility for regulating motor carriers from the North Carolina Utilities Commission to the Division of Motor Vehicles.

Section 22 repeals G.S. 20-378 because it is redundant; it repeats 20-2(b).

Section 23 amends 20-379 to delete obsolete references to the North Carolina Utilities Commission and the enforcement of Chapter 62.

Section 24 amends 20-380 to delete obsolete references to the North Carolina Utilities Commission.

Section 25 amends 20-381 to delete obsolete references to the North Carolina Utilities Commission.

Section 26 amends G.S. 20-382 to correct references to the Interstate Commerce Commission.

Section 27 amends 20-382.1, registration of intrastate for-hire motor vehicles, to eliminate references to being regulated or exempt from regulation by the North Carolina Utilities Commission. The section substitutes a registration requirement with the Division.

Section 28 repeals 20-384(a) and rewrites the catchline appropriately. 20-384(a) repeats 20-381(1).

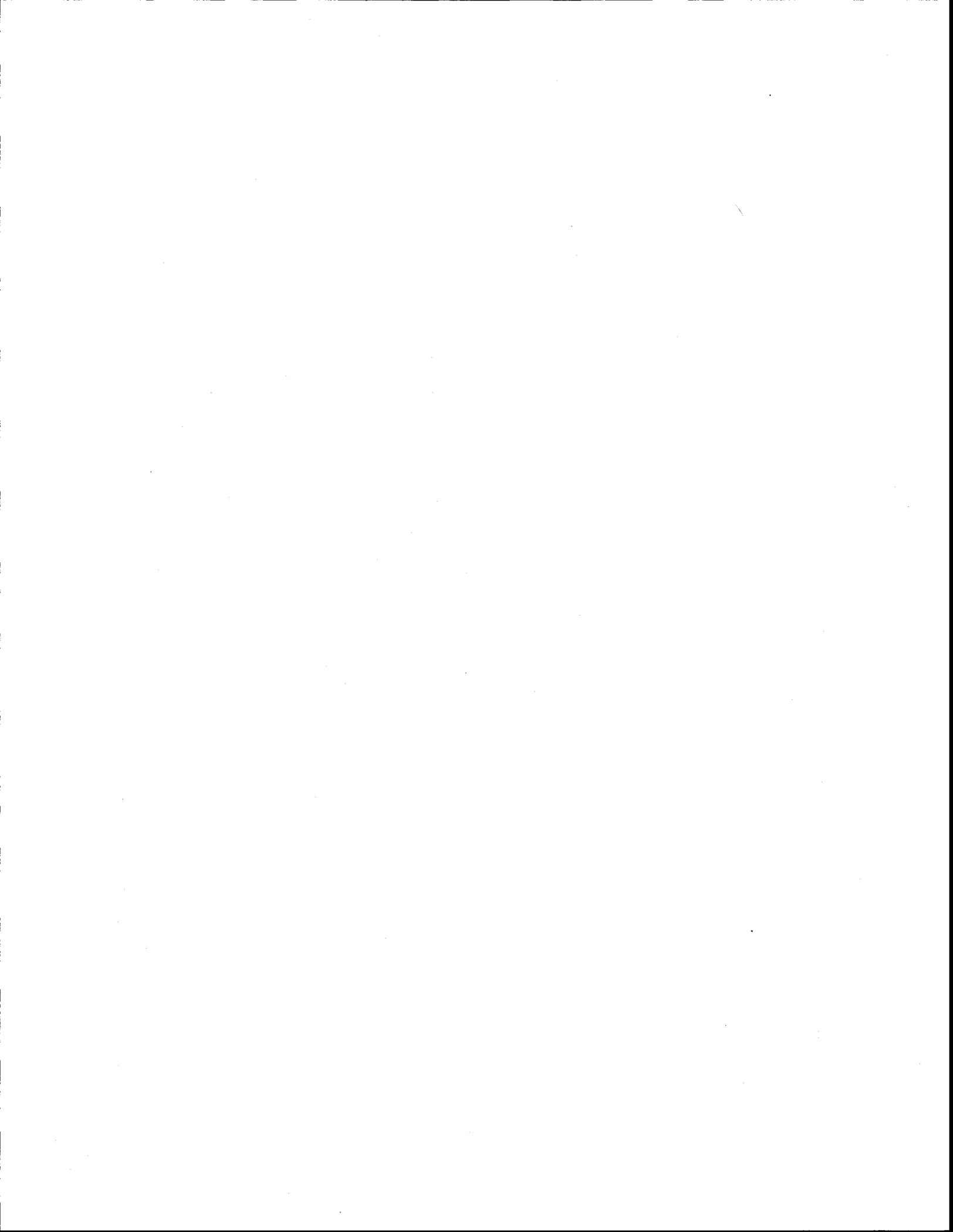
Section 29 revises the fee schedule to eliminate references to filings that no longer exist.

Section 30 amends 20-393 to eliminate obsolete references to the North Carolina Utilities Commission.

Sections 31 through 33 make other technical changes. Section 31 corrects an obsolete reference in the "bridge formula" weight table to an exception that expired August 31, 1988. The former exception allowed tandem axles on tank trailers, dump trailers, and ocean going transport containers to carry up to 34,000 pounds if the distance between the 2nd and 5th axles in consecutive sets of tandem axles was at least 30 feet. The weight table has not been adjusted accordingly since the exception expired.

Section 32 repeals an unnecessary statute on seat belts. The section requires the Commissioner to approve seat safety belts before they can be used. The Commissioner does not set standards for this equipment because G.S. 20-135.2 makes the direction to the Commissioner moot. That statute sets the standard for seat safety belts.

Section 33 corrects an incorrect cross reference in the limited driving privilege statute to substance abuse assessments. Chapter 496 of the 1995 Session Laws (House Bill 458) repealed G.S. 20-179(m) and Chapter 506 of the 1995 Session Laws added a new cross reference to the statute that had been repealed by the previous act.



GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S or H

D

LEGISLATIVE PROPOSAL 11

95-LJ-36

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Privatize All DMV Tag Offices.

(Public)

---

Sponsors: Transportation Oversight.

---

Referred to:

---

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE ALL VEHICLE REGISTRATION OFFICES OF THE  
3 DIVISION OF MOTOR VEHICLES TO BE OPERATED BY A CONTRACT AGENT.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 20-63(h) reads as rewritten:  
6 "(h) Commission Contracts for Issuance of Plates and  
7 Certificates. -- All registration plates, registration  
8 ~~certificates cards,~~ and certificates of title issued by the  
9 Division, outside of those issued from the Raleigh offices of the  
10 ~~said Division and those~~ issued and handled through the United  
11 States mail, shall be issued insofar as practicable and possible  
12 through commission contracts entered into by the Division for the  
13 ~~issuance of such plates and certificates in localities throughout~~  
14 ~~North Carolina with persons, firms, corporations or governmental~~  
15 ~~subdivisions of the State of North Carolina and the Division~~  
16 ~~shall make a reasonable effort in every locality, except as~~  
17 ~~hereinbefore noted, to enter into a commission contract for the~~  
18 ~~issuance of such plates and certificates and a record of these~~  
19 ~~efforts shall be maintained in the Division. In the event the~~  
20 ~~Division is unsuccessful in making commission contracts as~~  
21 ~~hereinbefore set out it shall then issue said plates and~~  
22 ~~certificates through the regular employees of the Division.~~

1 ~~Whenever registration plates, registration certificates and~~  
2 ~~certificates of title are issued by the Division through~~  
3 ~~commission contract arrangements, the Division shall provide~~  
4 ~~proper supervision of such distribution.~~ contracts with one or  
5 more entities. The Division must supervise the performance of  
6 the entities with whom it contracts. Commission contracts  
7 entered under this subsection shall provide for the payment of  
8 compensation ~~at a rate of sixty cents (60¢) per transaction.~~  
9 based on a specified rate for each transaction performed under  
10 the contract. The applicable rate and the transactions to which  
11 the rate applies shall be set by the General Assembly each year  
12 in the Current Operations Appropriations Act. If the General  
13 Assembly does not set a rate or the transactions to which the  
14 rate applies for a year, the rate or transactions last set by the  
15 General Assembly remain in effect. Nothing contained in this  
16 subsection will allow or permit the operation of fewer outlets in  
17 any county in this State than are now being operated."

18           Sec. 2. This act is effective upon ratification.  
19 Notwithstanding the effective date of the act, the Division of  
20 Motor Vehicles of the Department of Transportation may issue  
21 registration cards, registration plates, and certificates of  
22 title from its Raleigh office and its Charlotte office until July  
23 1, 1997, or until the effective date of a commission contract to  
24 provide these services, whichever comes first.

25

Explanation of Legislative Proposal 11

Privatize All DMV Tag Offices

This proposal eliminates the "Raleigh window" and the "Charlotte window" of the Division of Motor Vehicles effective July 1, 1997. These two offices are the only "tag" offices operated by employees of the Division. All the other tag offices are operated by contract agents.

The Joint Legislative Transportation Oversight Committee adopted this proposal after receiving a report from the Productivity Management Section comparing the vehicle registration costs of contract agents with those of the Raleigh and Charlotte offices. The study found that the transaction cost at the contract offices is \$1.76, the cost at the Raleigh Office is \$2.50, and the cost at the Charlotte Office is \$3.20. The study found that the combined annual savings of privatizing the Raleigh and Charlotte offices would be approximately \$551,544.

The bill requires all vehicle registration services, except those handled by mail, to be handled by contract agents. The bill specifically eliminates the authority of the Division to operate the Raleigh office. It does not make a similar statutory change for the Charlotte office because the operation of that office is not specifically authorized by the statute.

The bill deletes the obsolete reference to the \$.60 transaction rate and substitutes a reference to the rate set in the Current Operations Appropriations Act. The rate set in the appropriations act is the controlling rate.



**MANDATED  
REPORTS**



The following is a list of the reports the Committee was mandated to make by action of the General Assembly.

**1. Liens on Towed and Stored Vehicles**

Authority: Section 18.1 of Chapter 507 of the 1995 Session Laws.

Disposition: The Committee completed study of this issue, and its recommendation is included in the legislative proposals section of this report.

**2. Mid-Currituck County Bridge Funding**

Authority: Section 2 of Chapter 485 of the 1995 Session Laws.

Disposition: The Committee received a report on this topic prepared by Graduate students from the Terry Sanford Institute of Public Policy, Duke University.

**3. Wake County DMV Customer Service Center**

Authority: Section 18.4 of Chapter 507 of the 1995 Session Laws.

Disposition: The Committee deferred action on this topic pending completion of the audit of the Division of Motor Vehicles by the Joint Legislative Commission on Government Operations.

**4. Use of Special Registration Plate Fund for Visitor Centers.**

Authority: Section 18.7 of Chapter 324 of the 1995 Session Laws.

Disposition: Subcommittee scheduled to meet on this topic April 30, 1996 was unable to take action do to lack of a quorum.